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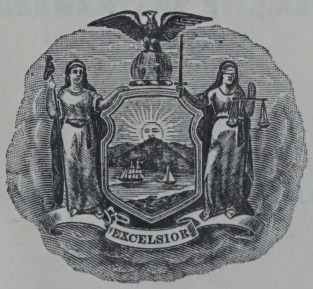
ONE HUNDRED AND THIRTY-THIRD SESSION.

1910.

VOL. XIV.—NO. 29.—PART 2.



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1910 14

STATE OF NEW YORK

SIXTH ANNUAL REPORT

OF THE

EDUCATION DEPARTMENT

For the school year ending July 31, 1909

VOLUME 2

EDUCATION LAW 1910

ELEMENTARY SYLLABUS 1910

TRANSMITTED TO THE LEGISLATURE JANUARY 24, 1910

ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1910

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STATE OF NEW YORK

EDUCATION DEPARTMENT

Regents of the University

With years when terms expire

1913 WHITELAW REID M.A. LL.D. D.C.L. *Chancellor* New York
1917 ST CLAIR MCKELWAY M.A. LL.D. *Vice Chancellor* Brooklyn
1919 DANIEL BEACH Ph.D. LL.D. – – – – – Watkins
1914 PLINY T. SEXTON LL.B. LL.D. – – – – – Palmyra
1912 T. GUILFORD SMITH M.A. C.E. LL.D. – – – Buffalo
1918 WILLIAM NOTTINGHAM M.A. Ph.D. LL.D. – – Syracuse
1910 CHESTER S. LORD M.A. LL.D. – – – – – New York
1915 ALBERT VANDER VEER M.D. M.A. Ph.D. LL.D. Albany
1911 EDWARD LAUTERBACH M.A. LL.D. – – – – New York
1920 EUGENE A. PHILBIN LL.B. LL.D. – – – – New York
1916 LUCIAN L. SHEDDEN LL.B. LL.D. – – – – Plattsburg
1921 FRANCIS M. CARPENTER – – – – – – – Mount Kisco

Commissioner of Education

ANDREW S. DRAPER LL.B. LL.D.

Assistant Commissioners

AUGUSTUS S. DOWNING M.A. Pd.D. LL.D. *First Assistant*
FRANK ROLLINS Ph.D. *Second Assistant*
THOMAS E. FINEGAN M.A. Pd.D. *Third Assistant*

Director of State Library

JAMES I. WYER, JR, M.L.S.

Director of Science and State Museum

JOHN M. CLARKE Ph.D. Sc.D. LL.D.

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Examinations, CHARLES F. WHEELOCK B.S. LL.D.
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STATE OF NEW YORK

No. 29

IN ASSEMBLY

JANUARY 24, 1910

SIXTH ANNUAL REPORT

OF THE

EDUCATION DEPARTMENT

VOLUME 2

STATE OF NEW YORK
EDUCATION DEPARTMENT

Albany, January 24, 1910

Honorable James W. Wadsworth, jr

Speaker of the Assembly, Assembly Chamber, Albany, N. Y.

SIR: Pursuant to law, the annual report of the Education Department is herewith submitted to the Legislature.

Very respectfully yours

WHITELAW REID
Chancellor of the University

ANDREW S. DRAPER
Commissioner of Education

Education Department Bulletin

Published fortnightly by the University of the State of New York

Entered as second-class matter June 24, 1908, at the Post Office at Albany, N.Y. under the act of July 16, 1894

No. 474 ALBANY, N. Y. JULY 1, 1910

EDUCATION LAW 1910

	PAGE
Education Law	3
Appendix A: Other laws relating to schools	238
Appendix B: Other laws relating to the University	281
Appendix C: Practice of professions	298
Index	373

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EDUCATION LAW 1910

[NOTE.— The Education Law of 1910 amends the entire Education Law of 1909 and is a substitute therefor. The other amendments passed during the session of the Legislature of 1910, such as the district superintendents law, are inserted in their proper places. At the end of the schedule of repeals of the Education Law, we have inserted a table showing where the sections of the Education Law of 1909 may be found in the Education Law of 1910.]

L. 1910, CHAP. 140—AN ACT to amend the education law, generally.

[In effect April 22, 1910]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," is hereby amended to read as follows:

CHAPTER 16 OF THE CONSOLIDATED LAWS EDUCATION LAW

Article 1. Short title and definitions (§§ 1, 2).
2. Education department (§§ 20–27).
3. University (§§ 40–69).
4. Commissioner of education (§§ 90–98).
5. School districts (§§ 120–154).
6. School neighborhoods (§§ 170–172).
7. District meetings (§§ 190–207).
8. School district officers; general provisions (§§ 220–236).
9. District clerk, treasurer, collector (§§ 250–257).
10. Trustees (§§ 270–285).
11. Boards of education (§§ 300–328).
12. Town clerks (§§ 340, 341).
13. Supervisors (§§ 360–365).
14. School commissioners (§§ 380–395).

Article 15. Assessment and collection of taxes (§§ 410–440).
16. School buildings and sites (§§ 450–467).
17. School district bonds (§ 480).
18. School moneys (§§ 490–502).
19. Trusts for schools; gospel and school lots (§§ 520–528).
20. Teachers and pupils (§§ 550–567).
21. Contract system (§§ 580–586).
22. General industrial schools, trade schools, and school of agriculture, mechanic arts and home making (§§ 600–606).
23. Compulsory education (§§ 620–636).
24. School census (§§ 650–654).
25. Text-books (§§ 670–673).
26. Physiology and hygiene (§§ 690, 691).
27. The flag (§§ 710–713).
28. Fire drills (§§ 730–733).
29. Arbor day (§§ 750–752).
30. Teachers' institute (§§ 770–775).
31. Training classes (§§ 790–794).
32. Normal schools; state normal college (§§ 810–833).
33. Fines; penalties; forfeitures and costs (§§ 850–862).
34. Appeals or petitions to commissioner of education (§§ 880–882).
35. Orphan schools (§§ 900–902).
36. Schools for colored children (§§ 920–922).
37. Indian schools (§§ 940–954).
38. Instruction of deaf mutes and of the blind (§§ 970–980).
39. New York state school for the blind (§§ 990–1011).
40. Cornell university (§§ 1030–1039).
41. State school of agriculture at Saint Lawrence university (§§ 1050–1052).
42. State school of agriculture at Alfred university (§§ 1070–1072).
43. State school of agriculture at Morrisville (§§ 1090–1093).
44. Libraries (§§ 1110–1141).
45. Court libraries (§§ 1160–1179).
46. Laws repealed; saving clause; when to take effect (§§ 1190–1192).

ARTICLE 1

Short Title and Definitions

Section 1. Short title.
2. Definitions.

§ 1. Short title. This chapter shall be known as the "Education Law."

§ 2. Definitions. As used in this chapter, the following specified terms mean as here defined.

1. Academy. The term "academy" means an incorporated institution for instruction in secondary education, and such high schools, academic departments in union schools and similar unincorporated schools as are admitted by the regents to the university as of academic grades.

2. College. The term "college" includes universities and other institutions for higher education authorized to confer degrees.

3. University. The term "university" means the university of the state of New York.

4. Regents. The term "regents" means board of regents of the university of the state of New York.

5. Commissioner. The term "commissioner" means commissioner of education.

6. School commissioner. The term "school commissioner" means the local officer provided for in article fourteen.

7. Secondary education. The term "secondary education" means instruction of academic grades, between the elementary grades and the college or university.

8. Higher education. The term "higher education" means education in advance of secondary education, and includes the work of colleges, universities, professional and technical schools, and educational work connected with libraries, museums, university and educational extension courses and similar agencies.

9. Trustee. The term "trustees," when not used in reference to a school district, includes directors, managers or other similar members of the governing board of an educational institution.

10. Parental relation. The term "persons in parental relation" to a child includes the parents, guardians or other persons, whether one or more, lawfully having the care, custody or control of such child.

11. Compulsory school ages. The term "child of compulsory school age" means any child between seven and sixteen years of age lawfully required to attend upon instruction.

12. School authorities. The term "school authorities" means the trustees, or board of education, or corresponding officers, whether one or more, and by whatever name known, of a city, or school district however created.

13. School officer. The term "school officer" means a clerk, collector, or treasurer of any school district; a trustee or member of a board of education or other body in control of the schools by whatever name known in a union free school district or in a city; a superintendent of schools; a truant officer; a school commissioner; or other elective or appointive officer in a school district or city whose duties generally relate to the administration of affairs connected with the public school system.

14. Board of education. The term "board of education" shall include by whatever name known the governing body charged with the general control, management and responsibility of the schools of a union free school district or of a city.

ARTICLE 2

Education Department

Section 20. Education department.
21. Divisions of department.
22. Assistant commissioners.
23. Other officers and employees.
24. Removals and suspensions.
25. Joint seal.
26. Reports to the legislature.
27. State education building.

§ 20. Education department. The education department is hereby continued and shall be under the legislative direction of the regents and the executive direction of the commissioner of education, who is made, by section ninety-four of this act, the chief executive officer of the state system of education and of the regents. The said department is charged with the general management and supervision of all public schools and all of the educational work of the state, including the operations of the university of the state of New York.

§ 21. Divisions of department. By concurrent action of the regents and the commissioner of education the department may be divided into divisions. By like action new divisions may be created and existing divisions may be consolidated or abolished, and the administrative work of the department assigned to the several divisions.

§ 22. Assistant commissioners. The commissioner of education shall appoint, subject to the approval of the regents, such assistant commissioners as he shall deem necessary for the proper organization and general classification of the work of the department, and assign to such assistant commissioners the work which shall be under their respective supervision.

§ 23. Other officers and employees. The commissioner of education, subject to the approval of the regents, shall have power, in conformity with their rules, to appoint all other needed officers and employees and fix their titles, duties and salaries.

§ 24. Removals and suspensions. With the approval of the regents, the commissioner of education may, at his pleasure, remove from office any assistant commissioner, or other appointive officer or employee; and, when the regents are not in session, the commissioner may, during his pleasure, suspend, without salary, any such officer or employee, but not longer than till the adjournment of the succeeding meeting of the regents.

§ 25. Joint seal. The regents of the university and the commissioner of education shall together adopt, and may modify at any time, a seal, which shall be used in common as the seal of the education department and of the university; and copies of all records thereof and of all acts, orders, decrees and decisions made by the regents or by the commissioner of education, and of their official papers, and of the drafts or machine copies of any of the foregoing, may be authenticated under the said seal and shall then be evidence equally with and in like manner as the originals.

§ 26. Reports to the legislature. The commissioner of education shall annually prepare a report of the education department, including the university, which shall be transmitted to the legislature over the signatures of the chancellor of the university and of the commissioner of education. At their pleasure, the regents or the commissioner of education may make other reports and communications to the legislature. Such portions of their annual or other reports or communications as the commissioner

or the regents shall desire for such use shall be printed by the state printer as bulletins.

§ 27. State education building. After the completion of the state education building, it shall be occupied exclusively by the education department, including the university, with the state library, the state museum, and its other departments, together with such other work with which the commissioner of education and the regents have official relations, as they may, in their discretion, provide for therein; and such building and the offices of such department shall be maintained at state expense.

ARTICLE 3

University of the State of New York

Section 40. Corporate name and objects.
41. Regents.
42. Officers.
43. Meetings and absences.
44. Quorum.
45. Authority to take testimony.
46. Legislative power.
47. General examinations, credentials and degrees.
48. Academic examinations.
49. Admission and fees.
50. Registrations.
51. Supervision of professions.
52. Extension of educational facilities.
53. Departments and their government.
54. State museum; how constituted.
55. Collections made by the staff.
56. Indian collection.
57. Institutions in the university.
58. Visitation and reports.
59. Charters.
60. Provisional charters.
61. Conditions of incorporation.
62. Change of name or charter.
63. Dissolution and rechartering.
64. Dissolution of incorporated academy by stockholders
65. Suspension of operations.
66. Prohibitions.

Section 67. Unlawful acts in respect to examinations.
68. Powers of trustees of institutions.
69. Colleges may construct water-works and sewer systems.

§ 40. Corporate name and objects. The corporation created in the year seventeen hundred and eighty-four under the name of the Regents of the university of the state of New York, is hereby continued under the name of the university of the state of New York. Its objects shall be to encourage and promote education, to visit and inspect its several institutions and departments, to distribute to or expend or administer for them such property and funds as the state may appropriate therefor or as the university may own or hold in trust or otherwise, and to perform such other duties as may be intrusted to it.

§ 41. Regents. The university shall be governed and all its corporate powers exercised by a board of regents whose members shall at all times be three more than the then existing judicial districts of the state. The regents now in office and those hereafter elected shall hold, in the order of their election, for such times that the term of one regent will expire in each year on the first day of April, and his successor shall be chosen in the second week of the preceding February, on or before the fourteenth day of such month. Such election shall be in the manner provided by law for the election of senators in congress. All vacancies, either for full or unexpired terms, shall be so filled that there shall always be in the membership of the board of regents at least one resident of each of the judicial districts. A vacancy in the office of regent for other cause than expiration of term of service shall be filled for the unexpired term by an election at the session of the legislature immediately following such vacancy, unless the legislature is in session when such vacancy occurs, in which case the vacancy shall be filled by such legislature. There shall be no " ex-officio " members of the board of regents. No person shall be at the same time a regent of the university and a trustee, president, principal or any other officer of an institution belonging to the university.

§ 42. Officers. The elective officers of the university shall be a chancellor and a vice-chancellor who shall serve without salary, and such other officers as are deemed necessary by the regents, all of whom shall be chosen by ballot by the regents and shall hold office during their pleasure; but no election, removal or change of salary of an elective officer shall be made by less than six votes in favor thereof. Each regent and each elective

officer shall, before entering on his duties, take and file with the secretary of state the oath of office required of state officers.

The chancellor shall preside at all convocations and at all meetings of the regents, and confer all degrees which they shall authorize. In his absence or inability to act, the vice-chancellor, or if he be also absent, the senior regent present, shall perform all the duties and have all the powers of the chancellor.

§ 43. Meetings and absences. The regents may provide for regular meetings, and the chancellor, or the commissioner of education, or any five regents, may at any time call a special meeting of the board of regents and fix the time and place therefor; and at least ten days' notice of every meeting shall be mailed to the usual address of each regent. If any regent shall fail to attend three consecutive meetings, without excuse accepted as satisfactory by the regents, he may be deemed to have resigned and the regents shall then report the vacancy to the legislature, which shall fill it.

§ 44. Quorum. Seven regents attending shall be a quorum for the transaction of business.

§ 45. Authority to take testimony. The regents, any committee thereof, the commissioner of education and any assistant commissioner of education may take testimony or hear proofs relating to their official duties, or in any matter which they may lawfully investigate.

§ 46. Legislative power. Subject and in conformity to the constitution and laws of the state, the regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and except as to the judicial functions of the commissioner of education establish rules for carrying into effect the laws and policies of the state, relating to education, and the powers, duties and trusts conferred or charged upon the university. But no enactment of the regents shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution. No rule by which more than a majority vote shall be required for any specified action by the regents shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§ 47. General examinations, credentials and degrees. The regents may confer by diploma under their seal such honorary degrees as they may deem proper, and may estab-

lish examinations as to attainments in learning, and may award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

§ 48. Academic examinations. The regents shall establish in the secondary institutions of the university, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the regents on students who satisfactorily pass such examinations.

§ 49. Admission and fees. Any person shall be admitted to these examinations who shall conform to the rules and pay the fees prescribed by the regents.

§ 50. Registrations. The regents may register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and the professions in this state.

§ 51. Supervision of professions. Conformably to law the regents may supervise the entrance requirements to and the licensing and practice of the professions of medicine, dentistry, veterinary medicine, pharmacy and optometry, and also supervise the certification of nurses and public accountants.

§ 52. Extension of educational facilities. The regents may extend to the people at large increased educational opportunities and facilities, stimulate interest therein, recommend methods, designate suitable teachers and lecturers, conduct examinations and grant credentials, and otherwise organize, aid and conduct such work. And the regents, and with their approval the commissioner of education, may buy, sell, exchange and receive by will, or other gift, or on deposit, books, pictures, statuary or other sculptured work, lantern slides, apparatus, maps, globes, and any articles or collections pertaining to or useful in and to any of the departments, divisions, schools, institutions, associations or other agencies, or work, under their supervision, or control, or encouragement, and may lend or deposit any such articles in their custody or control, when or where in their judgment compensating educational usefulness will result therefrom; and may also, from time to time, enter into contracts desirable for carrying into effect the foregoing provisions.

§ 53. Departments and their government. The state library and state museum shall be departments of the university, and the regents may establish such other departments and di-

visions therein as they shall deem useful in the discharge of their duties.

§ 54. State museum; how constituted. All scientific specimens and collections, works of art, objects of historic interest and similar property appropriate to a general museum, if owned by the state and not placed in other custody by a specific law, shall constitute the state museum, and one of its officers shall annually inspect all such property not kept in the state museum rooms, and the annual report of the museum to the legislature shall include summaries of such property, with its location, and any needed recommendations as to its safety or usefulness. The state museum shall include the work of the state geologist and paleontologist, the state botanist and the state entomologist, who, with their assistants, shall be included in the scientific staff of the state museum.

§ 55. Collections made by the staff. Any scientific collection made by a member of the museum staff during his term of office shall, unless otherwise authorized by resolution of the regents, belong to the state and form part of the state museum.

§ 56. Indian collection. There shall be made, as the Indian section of the state museum, as complete a collection as practicable of the historical, ethnographic and other records and relics of the Indians of the state of New York, including implements or other articles pertaining to their domestic life, agriculture, the chase, war, religion, burial and other rites or customs, or otherwise connected with the Indians of New York.

§ 57. Institutions in the university. The institutions of the university shall include all secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the university. The regents may exclude from such membership any institution failing to comply with law or with any rule of the university.

§ 58. Visitation and reports. The regents, or the commissioner of education, or their representatives, may visit, examine into and inspect, any institution in the university and any school or institution under the educational supervision of the state, and may require, as often as desired, duly verified reports therefrom giving such information and in such form as the regents or the commissioner of education shall prescribe. For refusal or

continued neglect on the part of any institution in the university to make any report required, or for violation of any law or any rule of the university, the regents may suspend the charter or any of the rights and privileges of such institution.

§ 59. Charters. Under such name, with such number of trustees or other managers, and with such powers, privileges and duties, and subject to such limitations and restrictions in all respects as the regents may prescribe in conformity to law, they may, by an instrument under their seal and recorded in their office, incorporate any university, college, academy, library, museum, or other institution or association for the promotion of science, literature, art, history or other department of knowledge, or of education in any way, associations of teachers, students, graduates of educational institutions, and other associations whose approved purposes are, in whole or in part, of educational or cultural value deemed worthy of recognition and encouragement by the university. No institution or association which might be incorporated by the regents under this chapter shall, without their consent, be incorporated under any other general law.

§ 60. Provisional charters. On evidence satisfactory to the regents that the conditions for an absolute charter will be met within a prescribed time, they may grant a provisional charter which shall be replaced by an absolute charter when the conditions have been fully met; otherwise, after the specified time, on notice from the regents to this effect, the provisional charter shall terminate and become void and shall be surrendered to the regents. No such provisional charter shall give power to confer degrees.

§ 61. Conditions of incorporation. No institution shall be given power to confer degrees in this state unless it shall have resources of at least five hundred thousand dollars; and no institution for higher education shall be incorporated without suitable provision, approved by the regents, for educational equipment and proper maintenance. No institution shall institute or have any faculty or department of education in any place or be given power to confer any degree not specifically authorized by its charter; and no corporation shall, under authority of any general act, extend its business to include establishing or carrying on any educational institution or work, without the consent of the board of regents.

§ 62. Change of name or charter. 1. The regents may, at any time, for sufficient cause by an instrument under their

seal and recorded in their office, change the name, or alter, suspend or revoke the charter or incorporation of any institution which they might incorporate under section fifty-nine, if subject to their visitation or chartered or incorporated by the regents or under a general law; provided that, unless on unanimous request of the trustees of the institution, no name shall be changed and no charter shall be altered, nor shall any rights or privileges thereunder be suspended or repealed by the regents, till they have mailed to the usual address of every trustee of the institution concerned at least thirty days' notice of a hearing when any objections to the proposed change will be considered, and till ordered by a vote at a meeting of the regents for which the notices have specified that action is to be taken on the proposed change.

2. Any notice to a trustee whose address is not readily ascertainable, may be mailed to him in care of the institution.

§ 63. Dissolution and rechartering. Under like restrictions the regents may dissolve any such educational corporation, whether with or without a capital stock, and whether incorporated by the regents or under a general or by a special law, and make such disposition of the property of such corporation remaining after payment of its debts and liabilities as the regents shall deem just and equitable and best promoting public interests. The regents may also, after a similar hearing, issue to any such educational corporation a new charter which shall take the place in all respects of that under which it has been operating. In the case of any corporation whose dissolution is contemplated or has been decreed by the regents, upon their application and nomination the court shall, and upon the application of the trustees of such corporation, with notice to the regents, the court, in its discretion, may appoint a receiver of the property and liquidate the business affairs of the corporation under the provisions, so far as applicable, of the general corporation law; and all property of the corporation, or proceeds thereof, that shall remain after the payment, under such liquidation, of its debts and liabilities, shall be paid and transferred to the regents and be subject to their disposition the same as if they had directly conducted such liquidation.

§ 64. Dissolution of incorporated academy by stockholders. 1. Meeting to consider application for dissolution, when to be called. The trustees of any academy incorpo-

rated under the laws of this state and having a capital stock, may, and upon the written application of any person owning or lawfully holding one-third of the said capital stock, must call a general meeting of the stockholders of the said academy, as hereinafter provided, for the purpose of determining whether or not such incorporated academy shall surrender its charter and be dissolved and its property distributed among the stockholders thereof.

2. Notice thereof, how published. The notice for such general meeting must state the object thereof and be subscribed by the chairman or other acting presiding officer and the secretary or acting secretary of the said corporation or board of trustees; it shall be published once a week for three successive weeks prior to such meeting in a daily or weekly newspaper published in the place where the said academy is located; or if there be no such paper, then in a daily or weekly paper published within the county, if there be one, or, if not, in an adjoining county to that in which such academy is located.

3. Vote requisite for surrender of charter and dissolution. Whenever, at a meeting of the stockholders called as hereinbefore provided, any person or persons holding or qualified to vote upon a majority of the capital stock of such incorporated academy shall vote to surrender the charter thereof and to dissolve the corporation, the trustees of such academy, or a majority of them, must make and sign a certificate of such action, cause the same to be properly attested by the officers of the corporation and file the same, together with a copy of the published notice for the meeting at which such action was taken, and due proof of the publication thereof, in the office of the board of regents of the university of the state of New York and thereupon, if the said proceedings shall have been regularly conducted as above prescribed, the charter of said corporation shall be deemed to be surrendered and the said corporation dissolved.

4. Powers of trustees of academies upon dissolution. Upon the dissolution of such incorporated academy, as herein provided, the trustees thereof shall forthwith become and be trustees of the creditors and stockholders of the corporation dissolved. They shall have full power to settle the affairs of the said corporation; to collect and pay the outstanding debts; to sue for and recover debts and property thereof by the name of the trustees of such corporation; to sell and dispose of the property thereof, at public or private sale, and to divide among the stockholders the moneys

or other property that shall remain after the payment of debts and necessary expenses.

5. Notice to creditors to present claims, how published. The said trustees may, after the dissolution of the said corporation, insert in a newspaper published in the place where the said academy is located, or if there be none such then in a newspaper published within the county, if there be one, or, if not, in an adjoining county, a notice once in each week for three successive months, requiring all persons having claims against the said corporation dissolved to present the same with proof thereof to the said trustees, at the place designated in such notice, on or before a day therein named which shall be not less than three months from the first publication thereof. In case any action shall be brought upon any claim which shall not have been presented to the said trustees within three months from the first publication of such notice, the said trustees shall not be chargeable for any assets, moneys or proceeds of the said corporation dissolved, which they may have paid in satisfaction of other claims against the said corporation, or in making distribution to the stockholders thereof, before the commencement of such action.

6. Surrender of stock scrip, upon distribution to shareholders. Upon the distribution by the said trustees of assets or property, or the proceeds thereof, of the dissolved corporation among its stockholders the said trustees may require the certificates of ownership of capital stock, if such have been issued, standing in the name of any stockholder claiming a distributive share, or under whom such share is claimed, to be surrendered for cancellation by such stockholder or person claiming the said share; in the event of the non-production of any such certificate, the said trustees may require satisfactory proof of the loss thereof, or of any other cause for such non-production, together with such security as they may prescribe, before payment of the distributive share to which the person claiming upon such share of stock may appear to be entitled.

7. Notice of distribution, to absent and unknown shareholders. In case the said trustees upon such distribution by them of assets or property, or the proceeds thereof, of the dissolved corporation among its stockholders, shall be unable to find any of the said stockholders or the persons lawfully owning or entitled to any portion of the said capital stock, they shall give notice in the manner hereinabove provided for calling the general meeting

of stockholders, of such distribution, to the persons in whose names such stock shall stand upon the books of the said corporation, requiring them to appear at a time and place designated, to receive the portion of such assets or property to which they may be entitled; in case of the failure of any such persons to so appear, it shall be lawful for the said trustees to pay over and deliver to the county treasurer of the county wherein such academy was located, or to any trust company or other corporation located within such county and authorized to receive moneys on deposit under order or judgment of a court of record, the proportion of the assets, property or proceeds aforesaid which such non-appearing stock bears to the whole stock; the said trustees shall also deliver therewith a list of the persons entitled to receive the same, together with the separate amounts to which they shall be severally entitled.

8. Liability of trustees, when to cease. Upon the payment and discharge of the debts and obligations of the corporation dissolved, as hereinbefore provided, and the distribution of its assets, property and proceeds among the stockholders thereof, and due provision made, as hereinabove prescribed, for the interests of non-appearing stockholders and such as can not be found, the said trustees shall become and be relieved and discharged from further duty, liability and responsibility by reason of their relation to the said corporation, or towards the stockholders thereof.

9. Duties and liabilities of custodians. Any county treasurer, trust company or other corporation to whom assets, property or proceeds shall be delivered as herein provided, shall hold the same in trust for the persons designated and entitled to receive it; and upon receiving satisfactory proof of the right and title thereto, or upon the order of any court of record competent to adjudicate thereupon, shall pay over and deliver to any persons entitled to receive the same the portion of such proceeds, property or assets to which they shall be entitled.

§ 65. Suspension of operations. If any institution in the university shall discontinue its educational operations without cause satisfactory to the regents, it shall surrender its charter to them, subject, however, to restoration whenever arrangements satisfactory to the regents are made for resuming its work.

§ 66. Prohibitions. 1. No individual, association or corporation not holding university or college degree-conferring

powers by special charter from the legislature of this state or from the regents, shall confer any degrees, or transact business under or in any way assume the name university or college, till written permission to use such name shall have been granted by the regents under their seal.

2. No person shall buy, sell or fraudulently or illegally make or alter, give, issue or obtain any diploma, certificate or other instrument purporting to confer any literary, scientific, professional or other degree, or to constitute any license, or to certify to the completion in whole or in part of any course of study in any university, college, academy or other educational institution.

3. No diploma or degree shall be conferred in this state except by a regularly organized institution of learning meeting all requirements of law and of the university, nor shall any person with intent to deceive, falsely represent himself to have received any such degree or credential, nor shall any person append to his name any letters in the same form registered by the regents as entitled to the protection accorded to university degrees, unless he shall have received from a duly authorized institution the degree or certificate for which the letters are registered. Counterfeiting or falsely or without authority making or altering in a material respect any such credential issued under seal shall be a felony; any other violation of this section shall be a misdemeanor; and any person who aids or abets another, or advertises or offers himself to violate the provisions of this section, shall be liable to the same penalties.

§ 67. Unlawful acts in respect to examinations.

A person who shall

1. Personate or attempt or offer to personate another person in taking, or attempting or offering to take an examination held in accordance with this chapter or with the rules of the university; or

2. Take, or attempt or offer to take, such an examination in the name of any other person; or

3. Procure any other person to falsely personate him or to take, or attempt or offer to take, any such examination in his name; or

4. Have in his possession question papers to be used in any such examination, when not contained in their sealed wrappers, or copies of such papers or questions, at any time prior to the date set for such examination, unless duly authorized by the regents or the commissioner of education; or

5. Sell or offer to sell question papers or any questions prepared for use in any examination held in accordance with this chapter or with the rules of the university; or

6. Use in any such examination any question papers or questions, or secure or prepare the answers to such questions prior to the time set for the examination; or

7. Transmit to the state education department answers to questions used in any such examination which are prepared or written outside of the period of examination, or alter any such answers after such period is closed; or

8. Otherwise secure or attempt to secure the record of having passed such examination in violation of the university rules; is guilty of a misdemeanor and upon conviction thereof shall be punished for a first offense by a fine of not less than fifty dollars or imprisonment for not less than thirty days, or by both such fine and imprisonment, and for a second offense by a fine of not less than two hundred and fifty dollars, or imprisonment for not less than six months or by both such fine and imprisonment.

§ 68. Powers of trustees of institutions. The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may:

1. Number and quorum. Fix the term of office and number of trustees, which shall not exceed twenty-five, nor be less than five. If any institution has more than five trustees, the body that elects, by a two-thirds vote after notice of the proposed action in the call for a meeting, may reduce the number to not less than five by abolishing the office of any trustee which is vacant and filing in the regents' office a certified copy of the action. A majority of the whole number shall be a quorum.

2. Executive committee. Elect an executive committee of not less than five, who, in intervals between meetings of the trustees, may transact such business of the corporation as the trustees may authorize, except to grant degrees or to make removals from office.

3. Meetings and seniority. Meet on their own adjournment or when required by their by-laws, and as often as they shall be summoned by their chairman, or in his absence by the senior trustee, on written request of three trustees. Seniority shall be according to the order in which the trustees are named in the charter or subsequently elected. Notice of the time and place of every meeting shall be mailed not less than five nor more than ten days before the meeting to the usual address of every trustee.

4. Vacancies and elections. Fill any vacancy occurring in the office of any trustee by electing another for the unexpired term. The office of any trustee shall become vacant on his death, resignation, refusal to act, removal from office, expiration of his term, or any other cause specified in the charter. If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he shall be deemed to have resigned, and the vacancy shall be filled. Any vacancy in the office of trustee continuing for more than one year, or any vacancy reducing the number of trustees to less than two-thirds of the full number may be filled by the regents. No person shall be ineligible as a trustee by reason of sex.

5. Property holding. Take and hold by gift, grant, devise or bequest in their own right or in trust for any purpose comprised in the objects of the corporation, such additional real and personal property, beyond such as shall be authorized by their charter or by special or general statute, as the regents shall authorize within one year after the delivery of the instrument or probate of the will, giving, granting, devising or bequeathing such property, and such authority given by the regents shall make any such gift, grant, devise or bequest operative and valid in law. Any grant, devise or bequest shall be equally valid whether made in the corporate name or to the trustees of a corporation, and powers given to the trustees shall be powers of the corporation.

6. Control of property. Buy, sell, mortgage, let and otherwise use and dispose of its property as they shall deem for the best interests of the institution; and also to lend or deposit, or to receive as a gift, or on loan or deposit, literary, scientific or other articles, collections, or property pertaining to their work; and such gifts, loans or deposits may be made to or with the university or any of its institutions by any person, or by legal vote of any board of trustees, corporation, association or school district, and any such transfer of property, if approved by the regents, shall during its continuance, transfer responsibility therefor to the institution receiving it, which shall also be entitled to receive any money, books or other property from the state or other sources to which said corporation, association or district would have been entitled but for such transfer.

7. Officers and employees. Appoint and fix the salaries of such officers and employees as they shall deem necessary, who, unless employed under special contract, shall hold their offices

during the pleasure of the trustees; but no trustee shall receive compensation as such.

8. Removals and suspensions. Remove or suspend from office by vote of a majority of the entire board any trustee, officer or employee engaged under special contract, on examination and due proof of the truth of a written complaint by any trustee, of misconduct, incapacity or neglect of duty; provided, that at least one week's previous notice of the proposed action shall have been given to the accused and to each trustee.

9. Degrees and credentials. Grant such degrees and honors as are specifically authorized by their charter, and in testimony thereof give suitable certificates and diplomas under their seal; and every certificate and diploma so granted shall entitle the conferee to all privileges and immunities which by usage or statute are allowed for similar diplomas of corresponding grade granted by any institution of learning.

10. Rules. Make all by-laws and rules necessary and proper for the purposes of the institution and not inconsistent with law or any rule of the university; but no rule by which more than a majority vote shall be required for any specified action by the trustees shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§ 69. Colleges may construct water-works and sewer systems. 1. Every incorporated college in this state is duly authorized and empowered to construct and maintain a system of water-works for the purpose of supplying its college buildings and premises with pure and wholesome water for domestic, sanitary and fire purposes, and for the preservation of the health of its students, faculty and employees, and for the preservation of the public health of the town, village or city in or near which such college is located, and the construction and maintenance of such water-works is declared to be a public use. Such water-works, as often as necessary, may be enlarged or improved.

2. Any such college shall have the right to acquire real estate, or any interest therein, necessary or proper for such water-works, and the right to lay, relay, repair and maintain conduit and water pipes, with connections and fixtures, on, through, and over the lands of others; the right to intercept and divert the flow of waters from the lands of riparian owners, and from persons owning and interested in any waters; and the right to prevent the flow or drainage of noxious, or impure, or unwholesome matter from the lands of others into its reservoirs, or sources of supply. But no

such college shall ever have power to take or use water from any of the lands of this state, or any land, reservoir, or feeders, or any streams which have been taken by the state for the purpose of supplying the canals with water. The consent of an incorporated village or city must be obtained to lay any such pipes in or through its streets, and such consent may be accompanied by such reasonable conditions or restrictions as are proper.

3. Such college may cause such examinations and surveys for its proposed water-works to be made as may be necessary to determine the proper location thereof, and for such purpose, by its officers, agents and servants, may enter upon any lands or waters in the vicinity for the purpose of making such examinations and surveys, subject to liability for all damage done. When surveys or examinations are made or concluded, a map shall be made of the lands or interests to be taken or entered upon, and on which the land or interest of each owner or occupant shall be designated, and all streets and roads in which it is proposed to lay conduit pipes, with the proposed line thereof, which map shall be dated and signed by the engineer making the same; and said map shall be filed and kept in the college library for examination and reference, and a duplicate thereof shall be filed in the clerk's office in each county wherein any of such lands or interests proposed to be taken are located. Such examinations and surveys may be ordered and directed by the president or board of trustees of such college. A majority of the trustees shall determine upon the construction of such water-works and the plans thereof, and order contracts therefor to be made by such officers of the college as may be designated.

4. If any such college shall be unable to agree upon such terms of purchase of any such property, right or easements, before or after plans shall be determined upon, it may, after such plans have been adopted, acquire the same by condemnation, according to the provisions of the condemnation law.

5. When any such college has constructed and completed water-works, as above provided, it may, by a majority of its trustees, determine upon and construct a sewer system; it may connect the same with the sewer system of the village or city in or near which said college is situated, if such connection is practicable. Examination, surveys and a map may be made as above provided. Lands and easements may be acquired by purchase, as above provided, and in case such acquisition can not be made by purchase then they may be acquired by condemnation, according to the provisions of the condemnation law.

ARTICLE 4

Commissioner of Education

Section 90. Commissioner of education continued.
91. How chosen.
92. Term of office.
93. Salary.
94. General powers and duties.
95. Removal of school officers; withholding public money.
96. Other powers.
97. Schools of union free school districts and cities.
98. Reports of school officers.

§ 90. Commissioner of education continued. The office of commissioner of education is hereby continued.

§ 91. How chosen. 1. The commissioner of education shall be elected by a majority vote of the regents.

2. Such commissioner may be elected without regard to the place of his residence whether it be within or without the state of New York.

§ 92. Term of office. The commissioner of education shall serve during the pleasure of the board of regents.

§ 93. Salary. The salary of such commissioner shall be seven thousand five hundred dollars per annum, payable monthly, and he shall also be paid one thousand five hundred dollars in lieu and in full for his traveling and other expenses which shall also be payable monthly.

§ 94. General powers and duties. The commissioner of education is hereby charged with the following powers and duties:

1. He is the chief executive officer of the state system of education and of the board of regents. He shall enforce all general and special laws relating to the educational system of the state and execute all educational policies determined upon by the board of regents.

2. He shall have general supervision over all schools and institutions which are subject to the provisions of this act, or of any statute relating to education, and shall cause the same to be examined and inspected, and shall advise and guide the school officers of all districts and cities of the state in relation to their duties and the general management of the schools under their control.

3. He shall have general supervision of industrial schools, trade schools and schools of agriculture, mechanic arts and home making; he shall prescribe regulations governing the licensing of the teachers employed therein; and he is hereby authorized, empowered and directed to provide for the inspection of such schools, to take necessary action to make effectual the provisions therefor, and to advise and assist boards of education in the several cities and school districts in the establishment, organization and management of such schools.

4. He shall also have general supervision over the state normal schools which have been, or which may hereafter be, established as required by the provisions of this chapter.

5. He shall be ex officio a trustee of Cornell university.

6. He shall be responsible for the safe keeping and proper use of the department and university seal and of the books, records and other property in charge of the regents, and for the proper administration and discipline of the various offices and divisions of the education department.

7. He may annul upon cause shown to his satisfaction any certificate of qualification granted to a teacher by any authority whatever or declare any diploma issued by a state normal school ineffective and null as a qualification to teach a common school within this state, and he may reconsider and reverse his action in any such matter.

8. He shall cause to be prepared and keep in his office records of all persons who have received, or shall receive, certificates of qualification to teach or diplomas of the state normal schools, with the dates thereof, and shall note thereon all annulments of such certificates and diplomas, and reversals thereof, with the dates and causes thereof, together with such other particulars as he may deem expedient.

9. He shall cause to be prepared suitable registers, blanks, forms and regulations for making all reports and conducting all necessary business under this chapter, and shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the common schools and the due execution of their duties by school officers, to be transmitted to the officers and persons intrusted with the execution of the same.

10. He may administer oaths and take affidavits concerning any matter relating to the duties of his office or pertaining in any way to the schools of the state or any part thereof.

11. He is hereby authorized to furnish, by means of pictorial or graphic representations, additional facilities for instruction in geography, history, science and kindred subjects, to the schools, institutions and organizations under the supervision of the regents. Material collected for this purpose may, under regents' general rules, be lent for a limited time to responsible institutions and organizations for the benefit of artisans, mechanics and other citizens of the several communities of the state. He may from time to time enter into contracts necessary for carrying out this provision.

12. He shall also have and execute such further powers and duties as he shall be charged with by the regents.

§ 95. Removal of school officers; withholding public money. 1. Whenever it shall be proved to his satisfaction that any trustee, member of a board of education, clerk, collector, treasurer, school commissioner, superintendent of schools or other school officer has been guilty of any wilful violation or neglect of duty under this chapter, or any other act pertaining to common schools or other educational institution participating in state funds, or wilfully disobeying any decision, order or regulation of the regents or of the commissioner of education, said commissioner may, by an order under his hand and seal, which order shall be recorded in his office, remove such school officer from his office.

2. Said commissioner of education may also withhold from any district or city its share of the public money of the state for wilfully disobeying any provision of law or any decision, order or regulation as aforesaid.

§ 96. Other powers. The commissioner of education shall also have power and it shall be his duty to cause to be instituted such proceedings or processes as may be necessary to properly enforce and give effect to any provision in this chapter or in any other general or special law pertaining to the school system of the state or any part thereof or to any school district or city. He shall possess the power and authority to likewise enforce any rule or direction of the regents.

§ 97. Schools of union free school districts and cities. The schools of every union free school district and of every city in all their departments shall be subject to the visitation of the commissioner of education. He is charged with the general supervision of their boards of education and their management and conduct of all departments of instruction.

§ 98. Reports of school officers. The officers of the several districts and cities of the state and all other school officers shall make such reports and in such form from time to time in relation to the schools under their management and supervision as the commissioner of education shall require.

ARTICLE 5

School Districts

Section 120. Existing districts continued.
121. Formation of new district.
122. Number and description of districts.
123. Alteration by consent.
124. Alteration without consent.
125. Hearing of objections to order for alteration without consent.
126. Dissolution or alteration of joint district.
127. Special meeting of joint district to act regarding dissolution.
128. Dissolution by consent and consequent alteration of districts.
129. Dissolution, re-formation and consolidation of districts.
130. Division of union free school district which contains two incorporated villages.
131. Method and result of election.
132. Apportionment of indebtedness.
133. The bonded indebtedness of certain dissolved districts.
134. Temporary attendance of pupils as before division.
135. Continuance of dissolved district for payment of debts.
136. Deposits of records of dissolved district.
137. Property of districts consolidated.
138. Sale of property of dissolved district and disposition of proceeds.
139. Collection and distribution of moneys due dissolved district.
140. Fees of supervisor and town clerk.
141. Notice of meeting for establishment of union free school district.

Section 142. Posting, publication and service of notice.
143. Notice in case of adjoining districts.
144. Expense of notice.
145. Proceedings at meeting and effect of affirmative vote.
146. Meeting to determine regarding reorganization as common school district.
147. Result of vote for or against reorganization.
148. Reversion to form of original school districts.
149. School commissioner may require equality of partition.
150. Effect of veto by school commissioner regarding subsequent meeting.
151. Report of proceedings to commissioner of education.
152. Distribution of moneys on dissolution.
153. School property exempt from taxation.
154. Application of funds obtained from sale of school property.

§ 120. Existing districts continued. All school districts organized either by special laws or pursuant to the provisions of a general law are hereby continued and may be altered or dissolved as herein provided.

§ 121. Formation of new district. 1. A school commissioner may organize a new school district out of the territory of one or more school districts which are wholly within his school commissioner district whenever the educational interests of the community require it.

2. The school commissioners of two or more adjoining school commissioner districts when public interests require it may form a joint school district out of adjoining portions of their respective districts.

§ 122. Number and description of districts. 1. Each school commissioner shall renumber the school districts of each town in his commissioner district from time to time and shall also number each new district and shall describe in metes and bounds each of such school districts.

2. The order of a school commissioner forming or numbering a school district and the written description thereof together with all notices, orders, consents and proceedings relating to the formation or alteration thereof shall be filed with the town clerk of the town in which such district is located.

3. Every joint district shall bear the same number in every school commissioner district of whose territory it is in part composed.

§ 123. Alteration by consent. With the written consent of the trustees of all the districts to be affected thereby, the school commissioner may make an order altering the boundaries of any school district within his jurisdiction, and fix in such order a day when the alteration shall take effect.

§ 124. Alteration without consent. If the trustees of any district affected thereby refuse to consent, the school commissioner may make and file with the town clerk his order making the alteration, but reciting the refusal, and directing that the order shall not take effect until a day therein to be named, and not less than three months after the date of such order.

§ 125. Hearing of objections to order for alteration without consent. 1. Within ten days after making and filing such order the school commissioner shall give at least a week's notice in writing to the trustees of all districts affected by the proposed alterations, that at a specified time, and at a named placed within the town in which one of the districts to be affected lies, he will hear the objections to the alteration.

2. The trustees of any district to be affected by such order may request the supervisor and town clerk of each of the towns, within which such districts shall wholly or partly lie, to be associated with the school commissioner.

3. At the time and place mentioned in the notice, such commissioner, with the supervisors and town clerks, if they shall attend and act, shall hear and decide the matter, and the decision shall be final unless duly appealed from. Such decision must either affirm or vacate such order, and must be filed with and recorded by the town clerk of the town in which the district to be affected shall lie, and a tie vote shall be regarded a decision for the purposes of an appeal on the merits. Upon such appeal the commissioner of education may affirm, modify or vacate the order of the school commissioner or the action of the local board.

§ 126. Dissolution or alteration of joint district. The majority of the school commissioners within whose districts any joint school district lies may make an order at a meeting duly called by one of such commissioners altering or dissolving such district.

§ 127. Special meeting of joint district to act regarding dissolution. 1. If a school commissioner, by notice in writing, shall require the attendance of the other school

commissioners, at a joint meeting for the purpose of altering or dissolving a joint district, and a majority of all the commissioners shall refuse or neglect to attend, such commissioners attending, or any one of them, may call a special meeting of such school district for the purpose of deciding whether such district shall be dissolved.

2. If such special meeting shall vote to dissolve the district the school commissioner who called such meeting may make an order dissolving the district and shall recite in such order the refusal or neglect of the other school commissioners, his call of the special meeting and the action taken at such meeting.

§ 128. Dissolution by consent and consequent alteration of districts. 1. A school commissioner may dissolve one or more common school districts upon the written consent of the trustees of all the districts to be affected. When one or more of such districts adjoin a union free school district whose limits do not correspond with those of an incorporated village or city, he may annex the territory of such dissolved districts to such union free school district.

2. A school commissioner on the written consent of the boards of education of the districts affected may also dissolve a union free school district when it adjoins another union free school district and annex the territory of such dissolved district to such other union free school district.

§ 129. Dissolution, re-formation and consolidation of districts. Any school commissioner may dissolve one or more districts, and may from such territory form a new district; he may also unite such territory or a portion thereof to any adjoining school district, except a union free school district whose boundaries are coterminous with the boundaries of an incorporated village or city.

§ 130. Division of union free school district which contains two incorporated villages. 1. In any union free school district within the limits of which there shall be territory of two or more incorporated villages, the board of trustees of any village whose entire territory is within said school district may call a special meeting of the voters, duly qualified under this chapter to vote at a school meeting, to determine whether that portion of such school district comprising the village holding such special meeting, shall be separated from such school district and be a separate union free school district with limits corresponding with the limits of such village.

2. Notice of the time and place of any such special meeting shall be published by the board of trustees calling the same, once a week for two successive weeks in each newspaper actually printed and published in such village, and if there be no such newspaper published in such village, such notice shall then be given by posting for at least ten days in at least ten conspicuous places in said village.

§ 131. Method and result of election. 1. The clerk of the village holding such special meeting shall cause to be prepared and furnished for the use of the voters at any such special meeting ballots, which shall conform as near as may be to the election law, in favor of and against organizing the territory within such village into a separate school district.

2. The members of the board of trustees of any village holding such special meeting shall act as inspectors and shall canvass the votes cast, and if a majority thereof shall be in favor of constituting the territory within such village a separate school district said board of trustees shall forthwith certify the result of such canvass to the school commissioner of the school commissioner district in which such village is situated.

3. Such school commissioner shall thereupon declare by certificate under his hand the territory within such village limits a separate school district and designate it as union free school district number ..... of the town of .....

§ 132. Apportionment of indebtedness. If at the time of the organization of any school district as provided in sections one hundred and thirty and one hundred and thirty-one and the election of a board of education as provided in section three hundred and five there shall be any outstanding bonded or other indebtedness chargeable against the school district of which the territory so separately organized was a part, the school commissioner shall apportion said indebtedness between the newly organized district and the remaining portion of the old district according to the assessed valuation of each and the amounts of said indebtedness so apportioned shall become a charge for principal and interest upon the respective districts as though the same had been incurred by said districts separately.

§ 133. The bonded indebtedness of certain dissolved districts. Whenever two or more districts are dissolved pursuant to the provisions of section one hundred and twenty-eight of this article and annexed to adjoining districts the bonded indebtedness of any such district shall thereupon become a charge

upon the enlarged district formed by such annexation. The board of education of such district shall raise by tax an amount sufficient to pay any of the bonds and interest thereon of such district as the same shall become due.

§ 134. Temporary attendance of pupils as before division. Nothing contained in sections one hundred thirty, one hundred thirty-one and one hundred thirty-two shall be construed so as to prevent any child of school age residing in any part of a school district so divided from attending school in the part of the district remaining after any such division until the close of the school year in which such division was made, provided however, that the tax for said school year has been levied previous to such division on the real and personal property of the school district for the support of such school for the current school year.

§ 135. Continuance of dissolved districts for payment of debts. Though a district be dissolved, it shall continue to exist in law, for the purpose of providing for and paying all its just debts; and to that end the trustees and other officers shall continue in office, and the inhabitants may hold special meetings, elect officers to supply vacancies and vote taxes; and all other acts necessary to raise money and pay such debts shall be done by the inhabitants and officers of the district.

§ 136. Deposit of records of dissolved district. 1. The school commissioner, or a majority of such commissioners in whose districts a dissolved school district was situated, shall by written order delivered to the clerk of the district, or to any person in whose possession the books, papers and records of the district, or any of them, may be, direct such clerk or other person to deposit the same in the clerk's office in the town named in the order.

2. Such clerk or other person, by neglect or refusal to obey the order, shall forfeit fifty dollars, to be applied to the benefit of the common schools of said town.

§ 137. Property of districts consolidated. When two or more districts shall be consolidated into one, the new district shall succeed to all the rights of property possessed by the annulled districts.

§ 138. Sale of property of dissolved district and disposition of proceeds. 1. When a district is divided into portions, which are annexed to other districts, its property shall be sold by the supervisor of the town, within which its schoolhouse is situated, at public auction, after at least five days' notice.

2. Such notice shall be given by posting the same in three or more public places of the town in which the school-house is situated and in one conspicuous place in the district so dissolved.

3. The supervisor, after deducting the expenses of the sale, shall apply its proceeds to the payment of the debts of the district, and apportion the residue, if any, among the owners or possessors of taxable property in the district, in the ratio of their several assessments on the last corrected assessment-roll of the towns, and pay it over accordingly.

§ 139. Collection and distribution of moneys due dissolved district. The supervisor of the town within which the school-house of the dissolved district was situated may demand, sue for and collect, in his name of office, any money of the district outstanding in the hands of any of its former officers, or any other person; and, after deducting his costs and expenses, shall report the balance to the school commissioner who shall apportion the same equitably among the districts to which the parts of the dissolved district were annexed, to be by them applied as their district meeting shall determine.

§ 140. Fees of supervisor and town clerk. The supervisor and town clerk shall be entitled each, to one dollar and fifty cents a day, for each day's service in any proceeding under section one hundred twenty-five of this article, to be levied and paid as a charge upon their town.

§ 141. Notice of meeting for establishment of union free school district. 1. Whenever fifteen persons entitled to vote at any meeting of the inhabitants of any school district in the state, shall sign a request for a meeting, to be held for the purpose of determining whether a union free school shall be established therein in conformity with the provisions of this article, it shall be the duty of the trustees of such district, within ten days after such request shall have been presented to them, to give public notice that a meeting of the inhabitants of such district entitled to vote thereat will be held for such purpose as aforesaid, at the school-house, or other more suitable place in such district, on a day and at an hour to be specified in such notice not less than twenty nor more than thirty days after the publication of such notice.

2. If the trustees shall refuse to give such notice, or shall neglect to give the same for twenty days, the commissioner of education may authorize and direct any inhabitant of such district to give the same.

§ 142. Posting, publication and service of notice. 1. Whenever such district shall correspond wholly or in part with an incorporated village, in which there shall be published a daily or weekly newspaper, the notice required in section one hundred and forty-one shall be given by posting the same in five conspicuous places in said district, at least twenty days prior to such meeting, and by causing the same to be published once a week for three consecutive weeks before such meeting, in all the newspapers published in said district.

2. In other districts the said notice shall be given by posting the same as aforesaid, and in addition thereto, the trustees of such district shall authorize and require any taxable inhabitant thereof to notify every other qualified voter in such district of such meeting by delivering to him a copy of such notice or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode at least twenty days prior to the time of such meeting.

§ 143. Notice in case of adjoining districts. 1. Whenever fifteen persons, entitled as aforesaid, from each of two or more adjoining districts, shall unite in a request for a meeting of the inhabitants of such districts, to determine whether such districts shall be consolidated by the establishment of a union free school therein, it shall be the duty of the trustees of such districts, or a majority of them, to give public notice of such meeting, at some convenient place within such districts, and as central as may be, within the time and to be published and served in the manner set forth in sections one hundred forty-one and one hundred forty-two of this article, in each of such districts.

2. The commissioner of education may order such meeting under the conditions and in the manner prescribed in section one hundred forty-one of this article.

§ 144. Expense of notice. The reasonable expense of the publication and service of such notice, shall be chargeable upon the district, in case a union free school is established by the meeting so convened, to be levied and collected by the trustees, as in case of taxes now levied for school purposes; but in the event that such union free school shall not be established, then the said expense shall be chargeable upon the inhabitants signing the request, jointly and severally, to be sued for, if necessary, in any court having jurisdiction of the same.

§ 145. Proceedings at meeting and effect of affirmative vote. 1. Any such meeting held pursuant to the foregoing provisions shall be organized by the election of a chairman and clerk and may be adjourned from time to time, by a majority vote, provided that such adjournment shall not be for a longer period than ten days; and whenever at any such meeting duly called and held under the provisions of sections one hundred forty-one and one hundred forty-two of this article, at least fifteen qualified voters of the districts shall be present; or at such meeting duly called and held under the provisions of section one hundred forty-three of this article, at least fifteen qualified voters of each of the two or more adjoining districts, joining in the request, shall be present, such meeting may, by the affirmative vote of a majority present and voting, adopt a resolution to establish a union free school in said district, or to consolidate the two or more adjoining districts by establishing a union free school in said districts pursuant to the notice of said meeting. If said meeting shall determine to establish a union free school in said districts as aforesaid, it shall be lawful for such meeting thereafter to proceed to the election of a board of education as provided in sections three hundred and one and three hundred and two of this chapter.

2. The school commissioner in whose district the union free school district is thus organized shall designate such district as union free school district number ..... of the town of ..... and the said board shall have the name and style of the board of education of (adding the designation aforesaid).

3. Copies of said request, notice of meeting, order of the commissioner of education directing some inhabitant to call said meeting, if any, and minutes of said meeting, duly certified by the chairman and clerk thereof, shall be transmitted and deposited, immediately after such meeting by one of such officers, one to and with the town clerk, one to and with the school commissioner in whose jurisdiction said districts are located, and one to and with the commissioner of education.

4. If at any such meeting, the question as to the establishment of a union free school shall not be decided in the affirmative, as aforesaid, then all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with, and no such meeting shall be again called within one year thereafter.

5. When any such meeting shall have established a union free school in said districts, such union free school district shall not be dissolved within the period of one year from the first Tuesday of August next after such meeting.

§ 146. Meeting to determine regarding reorganization as common school district. In any union free school district established under the laws of this state, and which shall have been established for the period of one year or more, it shall be the duty of the board of education, upon the application of fifteen resident taxpayers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made in the manner hereinafter provided, for the dissolution of such union free school district, and for its reorganization as one or more common school districts.

§ 147. Result of vote for or against reorganization. 1. Whenever, at any such meeting called and held as aforesaid, it shall be determined by a majority vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, not to dissolve such union free school district, no other meeting for a similar purpose shall be held in said district within three years from the time the first meeting was held.

2. Whenever at any such meeting called and held as aforesaid it shall be determined by a two-thirds vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, to dissolve such union free school district, it shall be the duty of the board of education to present to the school commissioner of the commissioner district in which said union free school is situated, a certified copy of the call, notice and proceedings. If such school commissioner shall approve the proceedings of said meeting, he shall certify the same to the board of education. Such approval shall not take effect until the day preceding the first Tuesday of August next succeeding; but after that date such district shall cease to be a union free school district.

§ 148. Reversion to form of original school districts. If any union free school district dissolved under the foregoing provisions shall have been established by the consolidation of two or more districts, it shall be lawful for such school commissioner to order that its territory be divided into two or more districts, to correspond, so far as practicable, with the districts theretofore consolidated.

§ 149. School commissioner may require equality of partition. Such school commissioner may make his approval of the proceedings of any such meeting held as aforesaid conditional upon the payment, by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other districts into which the said union free school district is divided, of such sum of money as he may deem equitable.

§ 150. Effect of veto by school commissioner regarding subsequent meeting. If such school commissioner shall not approve the proceedings of any such meeting, held as aforesaid, for the purpose of dissolving a union free school district, no other meeting shall be held in such district, for a similar purpose, within three years from the time the first meeting was held.

§ 151. Report of proceedings to commissioner of education. Whenever the proceedings of a meeting, held as aforesaid, for the purpose of dissolving a union free school district, shall have been approved by such school commissioner and shall have been certified by him to the board of education, it shall be the duty of the board of education of the district affected forthwith to file with the commissioner of education, copies of the call, notice, proceedings of the meeting, and the action taken by such school commissioner thereon.

§ 152. Distribution of moneys on dissolution. All moneys remaining in the hands of the treasurer of the union free school district when the order of dissolution shall take effect shall be apportioned equitably among the several districts into which such union free school district is divided, and shall be paid over to the collectors or treasurers of such districts when they shall have been elected and have qualified according to law.

§ 153. School property exempt from taxation. The grounds, buildings, furniture, books, apparatus and all other property of a school district shall not be subject to taxation for any purpose.

§ 154. Application of funds obtained from sale of school property. All moneys obtained from the sale of any school property authorized under the provisions of this chapter shall be applied for the benefit of the district as directed by the voters thereof in any annual or special meeting.

ARTICLE 6

School Neighborhoods

Section 170. Setting off school neighborhoods.
171. Neighborhood meetings.
172. Duties of neighborhood clerk and trustee.

§ 170. Setting off school neighborhoods. Each school commissioner in respect to the territory within his district shall have power, with the approval of the commissioner of education, to set off by itself any neighborhood adjoining any other state of the union, where it shall be found most convenient for the inhabitants to send their children to a school in such adjoining state, and to deliver to the town clerk of the town in which it lies, in whole or in part, a description of each such separate neighborhood. He shall also prepare a notice, describing such neighborhood, and appointing a time and place for the first neighborhood meeting, and deliver such notice to a taxable inhabitant of such neighborhood. It shall be the duty of such inhabitant to notify every other inhabitant of the neighborhood, qualified to vote at the meeting, by reading the notice in his hearing, or, in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting. In case such meeting shall not be held, and in the opinion of the school commissioner it shall be necessary to hold such meeting before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the neighborhood, who shall serve it as hereinbefore provided.

§ 171. Neighborhood meetings. The annual meeting of each neighborhood shall be held on the first Tuesday of August in each year, at the hour and place fixed by the last previous neighborhood meeting; or, if such hour and place has not been so fixed, then at the hour and place of such last meeting; or, if such place be no longer accessible, then at such other place as the trustee, or, if there be no trustee, the clerk, shall in the notices designate. The proceedings of no neighborhood meeting, annual or special shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent. The inhabitants of any neighborhood, entitled to vote, when assembled

in any annual meeting or any special meeting called by the commissioner as above provided, shall have power, by a majority vote of those present, to appoint a chairman for the time being, and to choose a neighborhood clerk and one trustee, and to fill vacancies in office. The provisions of article seven of this chapter, shall apply to and govern such meeting, so far as the same can in substance be applied to the proceedings; and the provisions of article eight of this chapter shall apply to and govern the officers of such neighborhood, so far as the same can in substance be applied thereto.

§ 172. Duties of neighborhood clerk and trustee. The neighborhood clerk shall keep a record of the proceedings of his neighborhood, and of the reports of the trustees, and deliver the same to his successor. In case such neighborhood shall be annexed to a district within this state its records shall be filed in the office of the clerk of such district. The trustee shall, between the twenty-fifth day of July and the first day of August in every year, make his annual report to the school commissioner, and file it in the office of the clerk of the town of which the neighborhood is a part. Such report shall specify the whole amount of public moneys received during the year and from what public officer, and the manner in which it was expended; the whole number of such children as can be included in the district trustees' report residing in the neighborhood on the thirtieth day of August prior to the making of such report; and any other matters which the commissioner of education may require.

ARTICLE 7

District Meetings

Section 190. Notice of first meeting of district.
191. Service of notice of first meeting of district.
192. Second notice of first meeting of district.
193. Notice of annual meeting.
194. Time and place of annual meeting.
195. Annual meetings of districts re-formed after dissolution.
196. Special meeting to transact business of annual meeting.
197. Special meetings in common school districts.

Section 198. Special meetings in union free school *district.
199. Call of special district meeting by school commissioner.
200. Effect of want of due notice of district meetings.
201. Penalty for failure to serve notice.
202. Duty to attend district meetings.
203. Qualifications of voters at district meetings.
204. Declaration in case of challenge of voter.
205. Penalty for false declaration or unauthorized vote.
206. Powers of voters.
207. Vote on proposition to expend money.

§ 190. Notice of first meeting of district. Whenever any school district shall be formed, the school commissioner or any one or more of such commissioners, within whose districts it may be, shall prepare a notice describing such district, and appointing a time and place for the first district meeting, and deliver such notice to a taxable inhabitant of the district.

§ 191. Service of notice of first meeting of district. It shall be the duty of such inhabitant to notify every other inhabitant of the district qualified to vote at the meeting, by delivering to him a copy of the notice of such meeting, or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting.

§ 192. Second notice of first meeting of district. In case such meeting shall not be held, and in the opinion of the school commissioner it shall be necessary to hold such meeting, before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the district, who shall serve it as provided in section one hundred and ninety-one.

§ 193. Notice of annual meeting. 1. The district clerk of each common school district shall give notice of the time and place of the annual meeting by posting five notices of such meeting in five conspicuous places in the district five days previous to the date of such meeting. One of such notices must be posted on the front door of the school-house.

2. The clerk of each union free school district shall give notice of the time and place of the annual meeting by publishing a

* So in original.

notice once in each week for the four weeks next preceding such district meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least twenty of the most public places in said district twenty days before the time of such meeting.

§ 194. Time and place of annual meeting. The annual meeting of each school district shall be held on the first Tuesday of [August] *May** in each year, and, unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, the same shall be held in the school-house at seven-thirty o'clock in the evening. If a district possesses more than one school-house, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no school-house, or if the school-house shall not be accessible, then the annual meeting shall be held at such place as a trustee, or, if there be no trustee, the clerk, shall designate in the notice. [Thus amended by L. 1910, ch. 442, in effect September 1, 1910.]

§ 195. Annual meetings of districts re-formed after dissolution. The districts formed by the dissolution of a union free school district, as provided in sections one hundred and twenty-nine and one hundred and thirty of this chapter, shall hold their annual meetings on the first Tuesday of August next after the dissolution of such union free school district, and shall elect officers as now required by law.

§ 196. Special meeting to transact business of annual meeting. Whenever the time for holding the annual meeting in school districts shall pass without such meeting being held in a district, a special meeting shall thereafter be called by the trustees or by the clerk of such district for the purpose of transacting the business of the annual meeting; and if no such meeting be called by the trustees or the clerk within ten days after such time shall have passed, the school commissioner of the commissioner district in which said school district is situated or the commissioner of education may order any inhabitant of such district to give notice of such meeting in the manner provided in section one hundred ninety-one, and the officers of the district shall make to such meeting the reports required to be made at the an-

*This change in the time of holding annual school meetings does not take effect until September 1, 1910, so that annual school meetings for 1910 will be held as usual on the first Tuesday of August.

nual meeting, subject to the same penalty in case of neglect; and the officers elected at such meeting shall hold their respective offices only until the next annual meeting and until their successors are elected and shall have qualified.

§ 197. Special meetings in common school districts. 1. A special district meeting shall be held whenever called by the trustees. The notice thereof shall state the purposes for which it is called, and no business shall be transacted at such special meeting, except that which is specified in the notice; and the district clerk, or, if the office be vacant, or the clerk be sick or absent, or shall refuse to act, a trustee, or some taxable inhabitant, by order of the trustees, shall serve the notice upon each inhabitant of the district qualified to vote at district meetings, at least six days before the day of the meeting, in the manner prescribed in section one hundred ninety-one.

2. The inhabitants of a district may, at any annual meeting, adopt a resolution prescribing some other mode of giving notice of special meetings, which resolution and the mode prescribed thereby shall continue in force until rescinded or modified at some subsequent annual meeting.

§ 198. Special meetings in union free school districts. 1. Boards of education shall have power to call special meetings of the inhabitants of their respective districts whenever they shall deem it necessary and proper, in the manner prescribed in subdivision two of section one hundred and ninety-three of this chapter.

2. In union free school districts whose limits correspond with those of any incorporated village or city, the boards of education shall have power to call special meetings of the inhabitants of their respective districts for the purposes mentioned in section four hundred and sixty-seven in the manner prescribed in said subdivision two of section one hundred and ninety-three.

§ 199. Call of special district meeting by school commissioner. When the clerk and all the trustees of a school district shall have removed from the district, or their office shall be vacant, so that a special meeting can not be called, as hereinbefore provided, the school commissioner may in like manner give notice of, and call a special district meeting.

§ 200. Effect of want of due notice of district meetings. The proceedings of no district meeting, annual or special, shall be held illegal for want of a due notice to all the per-

sons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent.

§ 201. Penalty for failure to serve notice. Every taxable inhabitant, to whom a notice of any district meeting shall be delivered for service pursuant to any provisions of this article, who shall refuse or neglect to serve the same, as hereinbefore prescribed, shall forfeit five dollars for the benefit of the district.

§ 202. Duty to attend district meetings. Whenever any district meeting shall be duly called, it shall be the duty of the inhabitants qualified to vote thereat, to assemble at the time and place fixed for the meeting.

§ 203. Qualifications of voters at district meetings. A person shall be entitled to vote at any school meeting for the election of school district officers, and upon all other matters which may be brought before such meeting who is:

1. A citizen of the United States.
2. Twenty-one years of age,
3. A resident within the district for a period of thirty days next preceding the meeting at which he offers to vote; and who in addition thereto possesses one of the following four qualifications:

a. Owns or hires, or is in the possession under a contract of purchase of real property in such district liable to taxation for school purposes, or

b. Is the parent of a child of school age, provided such child shall have attended the district school in the district in which the meeting is held for a period of at least eight weeks during the year preceding such school meeting, or

c. Not being the parent, has permanently residing with him a child of school age who shall have attended the district school for a period of at least eight weeks during the year preceding such meeting, or

d. Owns any personal property, assessed on the last preceding assessment-roll of the town, exceeding fifty dollars in value, exclusive of such as is exempt from execution.

No person shall be deemed to be ineligible to vote at any such meeting, by reason of sex, who has the other qualifications required by this section.

§ 204. Declaration in case of challenge of voter. If a person offering to vote at any school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall require the person

so offering, to make the following declaration: "I do declare and affirm that I am, and have been, for the thirty days last past, an actual resident of this school district and that I am qualified to vote at this meeting." And every person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected.

§ 205. Penalty for false declaration or unauthorized vote. A person who shall wilfully make a false declaration of his right to vote at a school meeting, after his right to vote thereat has been challenged, shall be deemed guilty of a misdemeanor. And a person not qualified to vote at such meeting, who shall vote thereat, shall thereby forfeit ten dollars, to be sued for by the supervisor for the benefit of the common schools of the town.

§ 206. Powers of voters. The inhabitants entitled to vote, when duly assembled in any district meeting, shall have power, by a majority of the votes of those present:

1. To appoint a chairman.
2. To appoint a clerk for the time if the district clerk is absent.
3. To adjourn from time to time as occasion may require.
4. To elect one or three trustees as hereinafter provided, a district clerk and a district collector, and in any district which shall so determine, as hereinafter provided, to elect a treasurer, at their first meeting, and so often as such offices or any of them become vacated, except as hereinafter provided.
5. At the first meeting, or at any subsequent annual meeting, or at any special meeting duly called for that purpose, the qualified voters of any school district are authorized to adopt by a vote of a majority of such voters present and voting, to be ascertained by taking and recording the ayes and noes, a resolution to elect a treasurer of said district, who shall be the custodian of all moneys belonging to said district, and the disbursing officer of such moneys. If such resolution shall be adopted, such voters shall thereupon elect by ballot a treasurer for said district. Any person elected treasurer at any meeting other than an annual meeting, shall hold office until the next annual meeting after such election, and until his successor shall be elected or appointed, and thereafter a treasurer shall be elected at each annual meeting for the term of one year. [Thus amended by L. 1910, ch. 442, in effect September 1, 1910.]

6. To fix the amount in which the collector and treasurer shall give bonds for the due and faithful performance of the duties of their offices.

7. To designate a site for a school-house, or, with the consent of the school commissioner within whose district the school district lies, to designate sites for two or more school-houses for the district. Such designation of a site for a school-house can be made only at a special meeting of the district, duly called for such purpose by a written resolution in which the proposed site shall be described by metes and bounds, and which resolution must receive the assent of a majority of the qualified voters present and voting, to be ascertained by taking and recording the ayes and noes.

8. To vote a tax upon the taxable property of the district to purchase, lease and improve such sites or an addition to such sites; to hire or purchase rooms or buildings for school-rooms or school-houses, or to build school-houses; and to keep in repair and furnish the same with necessary fuel, furniture and appurtenances.

9. To vote a tax, not exceeding twenty-five dollars in any one year, for the purchase of maps, globes, blackboards and other school apparatus, and for the purchase of text-books and other school necessaries for the use of poor scholars of the district.

10. To vote a tax for the establishment of a school library and the maintenance thereof, or for the support of any school library already owned by said district, and for the purchase of books therefor, and such sum as they may deem necessary for the purchase of a book-case.

11. To vote a tax to supply a deficiency in any former tax arising from such tax being, in whole or in part, uncollectible.

12. To authorize the trustees to cause the school-houses, and their furniture, appurtenances and school apparatus to be insured by any insurance company created by or under the laws of this state, or any other insurance company authorized by law to transact business in this state.

13. To alter, repeal and modify their proceedings, from time to time, as occasion may require.

14. To vote a tax for the purchase of a book for the purpose of recording their proceedings.

15. To vote a tax to replace moneys of the district, lost or embezzled by district officers; and to pay the reasonable expenses incurred by district officers in defending suits or appeals brought

against them for their official acts, or in prosecuting suits or appeals by direction of the district against other parties.

16. To vote a tax to pay whatever deficiency there may be in teachers' wages after the public money apportioned to the district shall have been applied thereto.

17. To vote a tax to pay and satisfy of record any judgments of a competent court which may have been or shall hereafter be obtained in an action against the trustees of the district for unpaid teachers' wages, where the time to appeal from said judgments shall have lapsed, or there shall be no intent to appeal on the part of such district, or the said judgments are or shall be of the court of last resort.

18. Whenever any district shall have contracted with the school authorities of any city, or other school district for the education therein of the pupils residing in such school district, or whenever in any school district children of school age shall reside so remote from the school-house therein that they are practically deprived of school advantages during any portion of the school year, the inhabitants thereof entitled to vote are authorized to provide, by tax or otherwise, for the conveyance of any or all pupils residing therein to the schools of such city, or district with which such contract shall have been made, or to the school maintained in said district, and the trustees thereof may contract for such conveyance when so authorized in accordance with such rules and regulations as they may establish, and for the purpose of defraying any expense incurred in carrying out the provisions of this subdivision, they may if necessary use any portion of the public money apportioned to such district as a district quota.

§ 207. Vote on proposition to expend money. In all propositions arising at said district meetings, involving the expenditure of money, or authorizing the levy of taxes, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such district meetings.

ARTICLE 8

School District Officers; General Provisions

Section 220. Officers of district.
221. Qualifications of officers.

Section 222. Ineligibility to office.
223. Oath of office.
224. Terms of office.
225. Terms of officers of newly created district.
226. Number of trustees; determination of change.
227. Election of officers.
228. Notice and acceptance of election.
229. Refusal of trustee to serve.
230. Penalty for refusal to serve or perform duty.
231. Resignation of district officers.
232. Vacating office.
233. Filling vacancy in office of trustee.
234. Filling vacancy in office of clerk, collector or treasurer.
235. Notice of appointment to fill vacancy and filing thereof.
236. District records, books, et cetera, are district property.

§ 220. Officers of district. 1. Each school district shall have from one to three trustees as the district determines, a clerk, a collector and if the district so decides a treasurer.

2. A union free school district shall have from three to nine trustees as the district shall determine.

§ 221. Qualifications of officers. Every school district officer must be able to read and write and must be a qualified voter of the district.

§ 222. Ineligibility to office. 1. No school commissioner or supervisor is eligible to the office of trustee or member of a board of education, and no trustee can hold the office of district clerk, collector, treasurer or librarian.

2. A person removed from a school district office shall be ineligible to appointment or election to any district office for a period of one year from the date of such removal.

3. Not more than one member of a family shall be a member of the same board of education in any school district.

§ 223. Oath of office. No officer of a school district shall be required to take the constitutional oath of office.

§ 224. Terms of office. 1. In a district having three or more trustees the full term of office of trustee shall be three years, but a trustee may be elected for one or two years as provided in this chapter.

2. In a district having a sole trustee the term of office of trustee shall be one year.

3. The term of office of all other district officers shall be one year.

4. One year within the meaning of this section, is a school year. A school year shall be from August first until July thirty-first following. [Thus amended by L. 1910, ch. 442, in effect September 1, 1910.]

§ 225. Terms of officers of newly created district. The terms of all officers elected at the first meeting of a newly created district shall expire on the first Tuesday of August, next thereafter.

§ 226. Number of trustees; determination of change. 1. At the first annual meeting next after the erection of a district the electors shall determine, by resolution, whether the district shall have one or three trustees; and if they resolve to have three trustees, shall elect the three for one, two and three years, respectively, and shall designate by their votes for which term each is elected; thereafter in such district, one trustee shall be elected at each annual meeting to fill the office of the outgoing trustee.

2. The electors of any district having three trustees shall have power to decide at any annual meeting by a majority vote of those present and voting, whether the district shall have a sole trustee or three trustees. If they resolve to have a sole trustee, the trustees in office shall continue in office until their terms of office shall expire. No election of a trustee shall be had in the district until the offices of such trustees shall become vacant by the expiration of their terms of office or otherwise, and thereafter but one trustee shall be elected for said district.

3. The electors of a district having but one trustee may determine at an annual meeting, by a two-thirds vote of the legal voters present thereat, to have three trustees; and upon the adoption of a resolution to that effect, shall proceed to elect three trustees or such number as may be necessary to form a board of three trustees, in the same manner as provided in this section for the election of three trustees at the first annual meeting after the erection of a district; and thereafter in such district, one trustee shall be elected for three years, at each annual meeting, to fill the office of the outgoing trustee.

§ 227. Election of officers. 1. All district officers shall be elected by ballot and the trustees shall provide a suitable ballot-box for such purpose.

2. Two inspectors of election shall be appointed in such manner as the meeting shall determine, who shall receive the votes cast, canvass the same and announce the result of the ballot to the chairman.

3. A poll-list containing the name of every person whose vote shall be received shall be kept by the clerk of the meeting.

4. The ballots shall be written or printed, or partly written and partly printed, containing the name of the person voted for and designating the office for which each is voted.

5. The chairman shall declare to the meeting the result of each ballot, as announced to him by the inspectors, and the persons having the majority of votes, respectively, for the several officers, shall be elected.

§ 228. Notice and acceptance of election. 1. The district clerk shall forthwith notify in writing each person elected to office of his election and the date thereof.

2. Such person shall be deemed to have accepted the office, unless within five days after the service of such notice, he shall file his written refusal with the clerk. The presence of any such person at the meeting which elects him to office, shall be deemed a sufficient notice to him of his election.

§ 229. Refusal of trustee to serve. A trustee who publicly declares that he will not accept or serve in the office of trustee, or refuses or neglects to attend three successive meetings of the board, of which he is duly notified, without rendering a good and valid excuse therefor to the other trustees vacates his office by refusal to serve.

§ 230. Penalty for refusal to serve or perform duty.

1. Every person chosen or appointed to a school district office and being duly qualified to fill the same who shall refuse to serve therein shall forfeit the sum of five dollars.

2. Every person chosen or appointed to a school district office and not refusing to accept the same who shall wilfully neglect or refuse to perform any duty thereof shall by such neglect or refusal vacate his office and also forfeit the sum of ten dollars.

3. The school commissioner of the commissioner district wherein any such person resides may accept his written resignation of the office, and the filing of such resignation and acceptance in the office of the district clerk shall be a bar to the recovery of either penalty under this section.

4. These penalties shall be for the benefit of the district for which such officer was appointed or elected.

§ 231. Resignation of district officers. A school district officer may resign to a district meeting. Such officer shall also be deemed to have resigned if he files a written resignation with the school commissioner of his district and such commissioner endorses thereon his approval and files the same with the district clerk.

§ 232. Vacating office. 1. A school district office becomes vacant by the death, resignation, refusal to serve, incapacity, removal from the district or from office.

2. The collector or treasurer vacates his office by not executing a bond to the trustees, as herein required.

3. A trustee or a member of a board of education vacates his office by the acceptance of either the office of school commissioner or supervisor.

§ 233. Filling vacancy in office of trustee. 1. A vacancy in the office of trustee in any district may be filled by election within thirty days after it occurs. If not so filled the school commissioner of the commissioner district, within which the school-house or principal school-house of the district is situated, may appoint a competent person to fill it.

2. If a vacancy in the office of trustee in a union free school district exists the commissioner of education may order a special election for filling such vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

3. If such vacancy is supplied by a district meeting, it shall be for the balance of the unexpired term; but when such vacancy is supplied by appointment by a school commissioner it shall be only until the next annual meeting of the district.

§ 234. Filling vacancy in office of clerk, collector or treasurer. A vacancy in the office of clerk, collector or treasurer, may be filled by appointment by the trustees of the district, and the appointees shall hold their respective offices until the next annual meeting of the district, and until their successors are elected and have qualified.

§ 235. Notice of appointment to fill vacancy and filing thereof. Every appointment to fill a vacancy shall be forthwith filed, by the school commissioner or trustees making it, in the office of the district clerk, who shall immediately give notice of the appointment to the person appointed.

§ 236. District records, books, etc., are district property. The records, books and papers belonging or apper-

taining to the office of any officer of a school district are hereby declared to be the property of such district and shall be open for inspection by any qualified voter of the district at all reasonable hours, and any such voter may make copies thereof.

ARTICLE 9

District Clerk; Treasurer; Collector

Section 250. Duties of district clerk.
251. Duties of district treasurer.
252. Collector's bond.
253. Collector to disburse teachers' fund.
254. Clerk, treasurer and collector in union free school district.
255. Payments and reports by collector.
256. Liability of collector for moneys lost.
257. Remedy of trustees against collector in default.

§ 250. Duties of district clerk. It shall be the duty of the clerk of each school district:

1. To record the proceedings of all meetings of the voters of his district in a book to be provided for that purpose by the district, and to enter therein true copies of all reports made by the trustees to the school commissioner.

2. To give notice, in the manner prescribed by section one hundred ninety-one, of the time and place of holding special district meetings called by the trustees.

3. To affix a notice in writing of the time and place of any adjourned meeting, when the meeting shall have been adjourned for a longer time than one month, in at least five of the most public places of such district, at least five days before the time appointed for such adjourned meeting.

4. To give the required notice of every annual district meeting.

5. To give notice immediately to every person elected or appointed to office of his election or appointment; and also to report to the town clerk of the town in which the school-house of his district is situated, the names and post-office addresses of such officers, under a penalty of five dollars for neglect in each instance.

6. To notify the trustees of every resignation duly accepted by the school commissioner.

7. To keep and preserve all records, books and papers belonging to his office and to deliver the same to his successor. For a refusal

or neglect so to do, he shall forfeit fifty dollars for the benefit of the schools of the district, to be recovered by the trustees.

8. To obey the order of the school commissioners as to depositing the books, papers and records of his office in the town clerk's office in case the district shall be dissolved.

9. To attend all meetings of the board of trustees when notified, and keep a record of their proceedings in a book provided for that purpose.

10. To call special meetings of the inhabitants whenever all the trustees of the district shall have vacated their office.

§ 251. Duties of district treasurer. 1. The treasurer of a school district shall be the custodian of all moneys belonging to the district from whatever source derived, and it is hereby made the duty of the trustees of such district to pay to such treasurer any and all moneys that may come into their hands belonging to such district derived from sales of personal or real property of the district, from insurance policies, from bonds of the district issued and sold by them, or from any other source whatever.

2. The collector of such district shall pay over to such treasurer all moneys collected by him under and by virtue of any tax list and warrant issued and delivered to him.

3. Such treasurer is hereby authorized and empowered to demand and receive from the supervisor of the town in which such school district is situated all public money apportioned to said district.

4. It shall be the duty of such treasurer within ten days after notice of his election to execute and deliver to the trustees of such district, his bond in such sum as shall have been fixed by a district meeting or as such trustees shall require, with at least two sureties to be approved by such trustees, conditioned to faithfully discharge the duties of his office, and to well and truly account for all moneys received by him, and to pay over any sums of money remaining in his hands to his successor in office. Such bond when so executed and approved in writing by such trustees shall be filed with the district clerk.

5. No moneys shall be paid out or disbursed by such treasurer except upon the written orders of a sole trustee, or a majority of the trustees.

6. Such treasurer shall, whenever required by such trustees report to them a detailed statement of the moneys received by

him, and his *disbursments, and at the annual meeting of such district he shall render a full account of all moneys received by him and from what source, and when received, and all disbursements made by him and to whom and the dates of such disbursements respectively, and the balance of moneys remaining in his hands.

§ 252. Collector's bond. 1. Within such time, not less than ten days, as the trustees shall allow him for the purpose, the collector, before receiving the first warrant for the collection of money, shall execute a bond to the trustees, with one or more sureties, to be approved by a majority of the trustees, in such amount as the district meeting shall have fixed, or if such meeting shall not have fixed the amount then in such amount as the trustees shall deem reasonable, conditioned for the due and faithful execution of the duties of his office.

2. The trustees, upon receiving said bond, shall, if they approve thereof, indorse their approval thereon, and forthwith deliver the same to the town clerk of the town in which said collector resides, and said clerk shall file the same in his office, and enter in a book to be kept by him for that purpose, a memorandum, showing the date of said bond, the names of the parties and sureties thereto, the amount of the penalty thereof, and the date and time of filing the same, and said town clerk is authorized to receive as a fee for such filing and memorandum the sum of twenty-five cents, which sum is hereby made a charge against the school district interested in said bond.

§ 253. Collector to disburse teachers' fund. 1. The trustees of a school district which has not a treasurer may direct by resolution duly entered on the minutes of their proceedings the collector of such district to disburse to teachers the money apportioned by the state for teachers' salaries.

2. The collector shall thereupon execute a bond to the trustees, with two or more sureties, in double the amount of the last apportionment, with like condition of sureties, approval of trustees, and amount and like directions as to filing as are required in the preceding section for a bond for the collection of taxes, and conditioned also for the due and faithful execution of the duties of his office as such disbursing agent.

§ 254. Clerk, treasurer and collector in union free school district. 1. In every union free school district the

* So in original.

board of education shall have power to appoint one of their number, or some other qualified voter in said district who is not a teacher employed therein as clerk of the board of education of such district.

2. Such clerk shall also act as clerk of said district, and shall perform all the clerical and other duties pertaining to his office, and for his services he shall be entitled to receive such compensation as shall be fixed at an annual meeting of such district.

3. In case no provision is made at an annual meeting for the compensation of a clerk the board of education may fix the same.

4. Said board of education in every union free school district whose limits do not correspond with those of an incorporated village or city shall appoint a district treasurer, and a collector who shall hold office during the pleasure of the board. The board shall also fix the compensation of the treasurer.

5. Such treasurer and collector shall each, and within ten days after notice in writing of his appointment, duly served upon him, and before entering upon the duties of his office, execute and deliver to the said board of education a bond, with such sufficient penalty and sureties as the board may require, conditioned for the faithful discharge of the duties of his office; and in case such bond shall not be given within the time specified, such office shall thereby become vacant, and said board shall thereupon, by appointment, fill such vacancy.

6. So much of this section as relates to the election of a clerk shall not apply to the towns of Cortlandt and White Plains in Westchester county.

§ 255. Payments and reports by collector. 1. The collector shall keep in his possession all moneys received or collected by him by virtue of any warrant, or received by him from the county treasurer or board of supervisors for taxes returned as unpaid, or moneys apportioned by the state or raised by direct taxation for teachers' wages or library, and pay the same out upon the written order of a majority of the trustees.

2. When a treasurer shall have been elected in a district, the collector shall pay over the moneys collected by him by virtue of his warrant, to said treasurer as provided in section two hundred and fifty-one; and he shall report in writing, at the annual meeting, all his collections, receipts and disbursements, and shall report to the supervisor on or before the first Tuesday of March in each year the amounts of school moneys in his hands not paid out on

trustees' orders, and shall pay over to his successor in office, when such successor has duly qualified and given a bond as required by section two hundred and fifty-two, all moneys in his hands belonging to the district.

§ 256. Liability of collector for moneys lost. If by the neglect of the collector any moneys shall be lost to a school district, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to such district the amount of the moneys thus lost, and shall account for and pay over the same to the trustees of such district, in the same manner as if they had been collected.

§ 257. Remedy of trustees against collector in default. For the recovery of all such forfeitures, and of all balances, in the hands of the collector, which he shall have neglected or refused to pay to his successor, or to the treasurer of such district, the trustees, in their name of office, shall have their remedy upon the official bond of the collector, or any action and any remedy given by law; and they shall apply all such moneys, when recovered, in the same manner as if paid without suit.

ARTICLE 10

Trustees

Section 270. Trustees constitute a board and body corporate.
271. Property held by trustees as corporation.
272. Powers and duties of a sole trustee.
273. Mode of exercise of trustees' powers.
274. Powers of trustees when vacancies on board exist.
275. Powers and duties of trustees.
276. Trustees' annual report.
277. Annual report of trustees of certain joint districts.
278. Trustees' annual report to district.
279. Penalty for failure of trustee to account.
280. Payment by trustee to successor.
281. Trustees' right *to action against predecessors.
282. Notice of non-payment of moneys apportioned.
283. Taxation for expenses incurred by trustees.
284. Issuing order in excess of available funds a misdemeanor.
285. Trustee must not be interested in district contracts.

* So in original.

§ 270. Trustees constitute a board and body corporate. The sole trustee or the trustees of a school district shall constitute a board for such district and such board is hereby created a body corporate.

§ 271. Property held by trustees as corporation. All property which is now vested in, or shall hereafter be transferred to the trustees of a district, for the use of schools in the district, shall be held by them as a corporation.

§ 272. Powers and duties of a sole trustee. The sole trustee of a district shall possess all the powers and be subject to all the duties, liabilities and penalties which the law imposes upon a board of three trustees.

§ 273. Mode of exercise of trustees' powers. 1. The powers committed by law to the trustees of a district must be exercised by them as a board. The board must meet for the transaction of business in accordance with notice of time and place.

2. In a board composed of three trustees, when two only meet to deliberate upon any matter, and the third, if notified, does not attend, or the three meet and deliberate thereon, the conclusion of two upon the matter, and their order, act or proceeding in relation thereto, shall be as valid as though it were the conclusion, order, act or proceeding of the three; and a recital of the two in their minute of the conclusion, act or proceeding, or in their order, act or proceeding of the fact of such notice, or of such meeting and deliberation, shall be conclusive evidence thereof.

3. A meeting of the board may be ordered by any member thereof, by giving not less than twenty-four hours' notice of the same.

§ 274. Powers of trustees when vacancies on board exist. 1. While there is one vacancy in the office of trustee, the two trustees shall have all the powers and be subject to all the duties and liabilities of the three. And while there are two such vacancies, the trustee in office shall have all the powers and be subject to all the duties and liabilities of the three, as though he were a sole trustee.

2. When a vacancy shall occur in the office of trustee, the board shall immediately call a special meeting of the district to supply such vacancy.

§ 275. Powers and duties of trustees. It shall be the duty of the trustees of a school district, and they shall have power:

1. To call special meetings of the inhabitants of such districts whenever they shall deem it necessary and proper.

2. To give notice of special, annual and adjourned meetings in the manner prescribed in this chapter, if there be no clerk of the district, or he be absent or incapable of acting, or shall refuse to act.

3. To make out a tax-list of every district tax voted by a district meeting, or authorized by law, which shall contain the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, as directed in article fifteen of this chapter.

4. To purchase or lease such school-house sites and to purchase or build such school-houses as a district meeting may authorize; and to hire temporarily such rooms or buildings as may be necessary for school purposes.

5. To have the custody and safe-keeping of the district school-houses, their sites and appurtenances.

6. To insure the school buildings, furniture and school apparatus in some company created by or under the laws of this state, or in an insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise by a district tax the amount required to pay the premiums thereon.

7. To insure the school library in such a company in a sum fixed by a district meeting, and to raise the premium by a district tax, and comply with the conditions of the policy.

8. To contract with and employ as many legally qualified teachers as the schools of the district require; to determine the rate of compensation and the term of the employment of each teacher and to determine the terms of school to be held during each school year.

9. To establish rules for the government and discipline of the schools.

10. To prescribe the course of studies to be pursued in such schools. Provisions shall be made for instructing pupils in all schools supported by public money, or under state control, in physiology and hygiene, with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

11. To pay, towards the wages of legally qualified teachers the public moneys apportioned to the district for such purpose by giving them orders therefor on the supervisor, or on the collector or treasurer of such district when duly qualified to receive and disburse the same.

12. To collect by district tax an amount sufficient to pay any judgment or the salaries of teachers for the current school year after deducting from the aggregate amount required for this purpose the amount of public money in the hands of the supervisor, collector or treasurer applicable to the payment of teachers' salaries and to pay the same by written orders on the collector or treasurer.

13. To draw upon the supervisor, the collector or treasurer, when duly qualified to receive and disburse the same, for the school moneys, by written orders signed by the sole trustee, or where there are three trustees, signed by a majority of said trustees as prescribed by subdivisions one and two of section three hundred and sixty of this chapter.

14. To keep each of the school-houses under their charge, and its furniture, school apparatus and appurtenances, in necessary and proper repair, and make the same reasonably comfortable for use, but shall not expend therefor without vote of the district an amount to exceed fifty dollars in any one year.

15. To make any repairs and abate any nuisances, pursuant to the direction of the school commissioner as herein provided, and provide fuel, stoves or other heating apparatus, pails, brooms and other implements necessary to keep the school-houses and the school-rooms clean, and make them reasonably comfortable for use, when no provision has been made therefor by a vote of the district, or the sum voted by the district for said purposes shall have proved insufficient.

16. To provide for building fires and cleaning the school-rooms, and for janitor work generally in and about the school-house, and pay reasonable compensation therefor.

17. To provide bound blank-books for the entering of their accounts, the records of the district and the proceedings of district and trustee meetings, and a list of the movable property of the district and they shall deliver such books to their successors in office.

18. To expend in the purchase of dictionary, books, maps, globes or other school apparatus, a sum not exceeding twenty-five dollars in any one year.

19. To establish temporary or branch schools in such places in the district as shall best accommodate the children, and to hire rooms or buildings therefor and to fit up and furnish such rooms or buildings in a suitable manner for conducting school therein when it is shown:

a. That any considerable number of the children residing in a portion of the district are so remote from the school-house as to render it difficult for them to attend school in such school-house in inclement weather, or;

b. That the school building is overcrowded and proper accommodations are not afforded all the children of the district, or;

c. That for any other sufficient reason suitable and proper school facilities are not provided by the present school accommodations.

Any expenditure made or liability incurred in pursuance of this section shall be a charge upon the district.

§ 276. Trustees' annual report. The trustees of each district shall make a full report to the commissioner of education upon any particular matter relating to their schools whenever such report shall be required by said commissioner. The trustees of each school district shall, on the first day of August in each year, make to the school commissioner a report in writing for the year ending on July thirty-first preceding. Such report shall be in such form as the commissioner of education shall prescribe. In every case the trustees shall sign and certify to said report and deliver it to the clerk of the town, in which the school-house of the district is situated; and every such report shall certify:

1. The whole time school has been maintained in their district during the year ending on the day previous to the date of such report, and stating what portion of the time such school has been taught by qualified teachers, and the whole number of days, *in cluding holidays, in which the school was taught by qualified teachers.

2. The amount of their drafts upon the supervisor, collector or treasurer for the payment of teachers' salaries during such year, and the amount of their drafts upon him for the purchase of books and school apparatus during such year, and the manner in which such moneys have been expended.

3. The number of children taught in the district school during such year by qualified teachers, and the aggregate days' attendance of all such children upon the school.

4. The number of children residing in their district, over five and under eighteen years of age, who shall have been, on the thirtieth day of August last preceding the date of such report, legal residents of such district. Children supported at a county

*So in original.

poor-house or an orphan asylum shall not be included in such enumeration.

5. The number of vaccinated and unvaccinated children of school age in their respective districts.

6. The amount of money paid for teachers' salaries, in addition to the public money paid therefor, the amount of taxes levied in said district for purchasing school-house sites, for building, hiring, purchasing, repairing and insuring school-houses, for fuel, for school libraries, or for any other purpose allowed by law.

7. Such additional information in relation to the schools under their management and control as the commissioner of education shall require.

§ 277. Annual report of trustees of certain joint districts. Where a school district lies in two or more counties, its trustees shall file their annual report in the office of the clerk of the town in which the principal schoolhouse of the district is situated.

§ 278. Trustees' annual report to district. The trustees shall render to the district, at its annual meeting, a just, full and true account in writing, of all moneys received by them respectively for the use of the district, or raised or collected by taxes, the preceding year, and of the manner in which the same shall have been expended, and showing to which of them an unexpended balance, or any part thereof, is chargeable; and of all drafts or orders made by them upon the supervisor, collector, treasurer or other custodian of moneys of the district; and a full statement of all appeals, actions or suits and proceedings brought by or against them, and of every special matter touching the condition of the district.

§ 279. Penalty for failure of trustee to account. By a wilful neglect or refusal to render such account, a trustee forfeits any unexpired term of his office, and becomes liable to the trustees for any district moneys in his hands.

§ 280. Payment by trustee to successor. An outgoing trustee shall forthwith pay, to his successor or any other trustees of the district in office, all moneys in his hands belonging to the district.

§ 281. Trustees' right of action against predecessor. The trustees in office shall sue for and recover any district moneys in the hands of any former trustee, or of his personal representatives, and apply them to the use of the district.

§ 282. Notice of non-payment of moneys apportioned. If any portion of the moneys apportioned to the district shall not be paid by the supervisor, the collector or treasurer, upon the due requirement of the trustees, they shall forthwith notify the treasurer of the county and the commissioner of education of the fact.

§ 283. Taxation for expenses incurred by trustees. When trustees are required or authorized by law, or by a vote of their district, to incur any expenses for such district, and when any expenses incurred by them are made, by express provision of law, a charge upon such district, they may raise the amount thereof by tax in the same manner as if the definite sum to be raised had been voted by a district meeting.

§ 284. Issuing order in excess of available funds a misdemeanor. 1. The trustees of a school district shall not issue an order or draft upon a supervisor, collector or treasurer for the payment of the salary of a teacher unless there shall be in the hands of such supervisor, collector or treasurer at the time sufficient money belonging to the district to meet such order or draft.

2. A violation of this section by the trustees of a district shall be a misdemeanor.

§ 285. Trustees must not be interested in district contracts. No trustee shall be personally interested directly or indirectly in any contract which he makes in behalf of the district.

ARTICLE 11

Boards of Education

Section 300. Boards of education corporate bodies.
301. Board of education in district whose boundaries are not coterminous with those of an incorporated village or city.
302. Board of education in district whose boundaries are coterminous with those of an incorporated village or city.
303. Provisions for separate elections in certain districts.
304. Determination of election disputes.
305. Election and organization of board of education in new district where union free school district containing two incorporated villages is divided.

Section 306. Annual meetings of boards of education.
307. Change in number of members of board of education in union free school district whose *boundaires are coterminous with those of an incorporated village or city.
308. Change in number of members of board of education in union free school district whose boundaries are not coterminous with those of an incorporated village or city.
309. Power of removal of member of board of education.
310. Powers and duties of boards of education.
311. Night schools; kindergartens.
312. Appointment of superintendent of schools.
313. Regular meetings; visitation of schools.
314. Limitation upon expenditures.
315. Deposit, custody and payment of moneys in cities and villages.
316. Moneys and accounts in union free school districts whose boundaries are not the same as the boundaries of incorporated cities and villages.
317. Boards of education have powers of trustees of common schools and trustees of academies.
318. Academy may be adopted as academic department.
319. Contracts with academies.
320. Retransfer of academy to its former trustees.
321. Records; reports.
322. Reports to commissioner of education.
323. Estimated expenses for ensuing year.
324. Vote upon school taxes.
325. Levy of tax for certain purposes without vote.
326. Reference to commissioner of education.
327. Corporate authorities must raise tax certified by board of education.
328. Application of this article.

§ 300. Boards of education corporate bodies. The board of education of each union free school district or city is hereby created a body corporate and it shall, at its first meeting and at each annual meeting thereafter, elect one of its members president.

* So in original.

§ 301. Board of education in district whose boundaries are not coterminous with those of an incorporated village or city. 1. Whenever a union free school district shall be established pursuant to the provisions of sections one hundred and forty-one to one hundred and forty-five of this chapter and the boundaries of such district shall not be coterminous with the boundaries of an incorporated city or village, it shall be the duty of the meeting at which such union free school district is established to elect by ballot not less than three nor more than nine trustees, who shall, by the order of such meeting, be divided into three classes, the first to hold until one, the second until two, and the third until three years from the first Tuesday of August next following, except as in the next section provided. Thereafter there shall be elected in such districts, at the annual meeting, trustees to supply the places of those whose terms of office, by the classification aforesaid, expire.

2. The trustees thus elected, shall enter at once upon their offices, and the office of any existing trustees in such districts, before the establishment of a union free school therein, shall cease, except for the purposes stated in section one hundred and thirty-five of this chapter. The said trustees and their successors in office shall constitute the board of education of the union free school district thus established. [Thus amended by L. 1910, ch. 442, in effect September 1, 1910.]

§ 302. Board of education in district whose boundaries are coterminous with those of an incorporated village or city. Whenever said board of education shall be constituted for any district whose limits correspond with those of any incorporated village or city, the trustees so elected shall, by the order of such meeting, be divided into three classes: The first class to serve until one; the second, until two; and the third, until three years after the date of the next charter election in such village or city, and their regular term of service shall be computed from the several dates of such charter elections. Thereafter, there shall be annually elected in such villages and cities, at the charter elections, by separate ballot, to be indorsed "school trustee," in the same manner as the charter officers thereof, trustees of the said union free schools, to supply the places of those whose terms by the classification aforesaid expire.

§ 303. Provisions for separate elections in certain districts. 1. In union free school districts whose limits do not correspond with those of an incorporated village or city,

and in which the number of children of school age exceeds three hundred, as shown by the last annual report of the board of education to the school commissioner, the qualified voters of any such district may by a vote of a majority of those present and voting, at any annual meeting, or at any duly called special meeting, to be ascertained by taking and recording the ayes and noes, determine that the election of the members of the board of education shall be held on the Wednesday next following the day designated by law for holding the annual meeting of said district.

2. Until such determination shall be changed, such election shall be held on the Wednesday next following the day on which such annual meeting of such district shall be held between the hours of twelve o'clock noon and four o'clock in the afternoon at the principal school-house in the district, or at such other suitable place as the trustees may designate.

3. When the place of holding such election is other than at the principal school-house, the trustees shall give notice thereof by the publication of such notice, at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in three conspicuous places in the district. The trustees may, by resolution, extend the time of holding the election from four o'clock until sunset.

4. Such members of the board of education as may be present, shall act as inspectors of election. If a majority of such board shall not be present at the time of opening the polls, those members of the board in attendance may appoint any of the legal voters of the district present, to act as inspectors in place of the absent trustees; and if none of the board of education shall be present at the time of opening the polls, the legal voters present may choose three of their number to act as inspectors.

5. The clerk of the board of education shall attend at the election and record in a book, to be provided for that purpose, the name of each elector as he deposits his ballot. If the clerk of the board of education shall be absent, or shall be unable or refuse to act, the board of education or inspectors of election shall appoint some person who is a legal voter in the district to act in his place. Any clerk or acting clerk who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall be liable to a fine of twenty-five dollars, to be sued for by the supervisor of the town.

6. The board of education shall, at the expense of the district, provide a suitable box in which the ballots shall be deposited as

they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each of said names is voted. The ballots may be either written or printed, or partly written and partly printed. The inspectors immediately after the close of the polls shall proceed to canvass the votes. They shall first count the ballots to determine if they tally with the number of names recorded by the clerk, and if they exceed that number, enough ballots shall be withdrawn to make them correspond. Such inspectors shall count the votes and announce the result. The persons having a *plurality** of the votes respectively for the several offices shall be elected, and the clerk shall record the result of such ballot and election as announced by the inspectors. [Thus amended by L. 1910, ch. 442, in effect September 1, 1910.]

7. Whenever the time for holding such election, as aforesaid, shall pass without such election being held in any such district, a special election shall be called by the board of education, but if no such election be called by said board within twenty days after such time shall have passed, the school commissioner or the commissioner of education may order any inhabitant of said district to give notice of such election in the manner prescribed by section one hundred and ninety-three; and the officers elected at such special election shall hold their respective offices only until the next annual election, and until their successors are elected and shall have qualified, as in this chapter provided.

8. The foregoing provisions shall not apply to union free school districts in cities, nor to union free school districts whose boundaries correspond with those of an incorporated village, nor to any school district organized under a special act of the legislature, in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in union free school districts, organized under the general law, nor to any of the union free school districts in the counties of Suffolk, Chenango, Warren, Erie and Saint Lawrence.

§ 304. Determination of election disputes. All disputes concerning the validity of any district election or of any of the acts of the officers of such election shall be referred to the commissioner of education for determination and his decision in the matter shall be final and not subject to review. The commissioner may in his discretion order a new election.

* The former law provided for a majority vote to elect. The amendment does not affect annual meetings held in August, 1910.

§ 305. Election and organization of board of education in new district where union free school district containing two incorporated villages is divided. 1. Within ten days after the school commissioner shall have designated any separate school district organized under the provisions of sections one hundred and thirty and one hundred and thirty-one of this chapter, he shall call a special meeting of the qualified voters of such school district at a time and place to be named by him to elect a board of education to consist of six members, two of whom shall be elected for one year, two for two years and two for three years from the date of the annual school meeting next succeeding such special meeting. The call for such special meeting shall be published in the manner provided in section one hundred and thirty for calling a special meeting to determine as to whether the school district shall be divided.

2. The school commissioner shall call such special meeting to order and the voters present shall elect a chairman and secretary for such meeting and appoint three tellers to canvass the votes cast. After the votes shall have been canvassed the chairman and secretary shall forthwith certify the result of such canvass to the said school commissioner, who shall within five days thereafter convene the members of the board of education, shown by said certificate to have been elected, for the purpose of organization, and said certificate of the result of such canvass shall thereupon become a part of the record of said school district.

§ 306. Annual meetings of boards of education. 1. The annual meeting of the board of education of every union free school district whose limits do not correspond with those of an incorporated village or city shall be held on Tuesday next after the annual school district meeting therein.

2. The annual meeting of the board of education of every union free school district whose limits correspond with those of an incorporated village or city shall be held on the Tuesday next after the election of the members of such board at the annual charter election of the village or city.

§ 307. Change in number of members of board of education in union free school district whose boundaries are coterminous with those of an incorporated village or city. The number of members of the board of education of a union free school district whose limits correspond with those of an incorporated village or city, may be increased to

not more than nine or decreased to not less than three in the following manner:

1. The board of education of such union free school district, shall, upon the application of at least fifteen resident taxpayers of such district, submit to a special meeting, held at least thirty days prior to the annual charter election, in such village or city, a proposition for the increase or decrease of the number of members of the board of education to a number specified in the proposition.

2. Such special meeting shall be called and held in the manner prescribed by subdivision two of section one hundred and ninety-three of this chapter.

3. If such proposition is adopted and it is determined thereby to increase the number of members of the board of education of such district, there shall be elected at the next ensuing annual village or city election, a sufficient number of members of the board of education so that the total number of members of the board will be the number specified in such proposition. Such additional members shall be elected for such terms so that as nearly as possible the terms of one-third of the members of such board will expire annually. Successors to such additional members shall be elected in like manner.

4. If such proposition is adopted and it is determined thereby to decrease the number of the board of education in such district, no members of the board of education of such district shall thereafter be elected until by expiration of term the number of members of the board of education will be less than the number specified in such proposition; and thereafter the number of members of the board of education of such district shall be the number specified in such proposition. Not more than one proposition under this section shall be submitted in any calendar year.

§ 308. Change in number of members of board of education in union free school district whose boundaries are not coterminous with those of an incorporated village or city. 1. The number of members of the board of education of a union free school district whose limits do not correspond with those of an incorporated village or city may be increased or decreased at an annual meeting by a majority vote of the qualified voters present and voting to be ascertained by taking and recording the ayes and noes. The number of such board shall not be increased to more than nine nor decreased to less than three.

2. No vote shall be taken upon the proposition to increase or decrease the number of members of such board of education unless the notice of the annual meeting shall contain a statement to the effect that the voters of such district will vote upon such proposition. The board of education of any such district shall, upon the application of at least fifteen voters of such district, include in the notice of the annual meeting a statement that the proposition to increase or decrease such board will be presented to the annual meeting for determination. If the board refuses or fails to give such notice the notice may be given in such manner as the commissioner of education may direct.

3. If any such board shall consist of less than nine members and such meeting shall determine to increase the number, such meeting shall elect the additional number so determined upon and shall divide such number into three classes, the first to hold office one year, the second two years and the third three years

4. If such meeting shall determine to diminish the number of members composing such board, no election shall be held in such district to fill the vacancies of the outgoing members until the number of such members shall correspond to the number which such meeting shall determine to compose such board.

§ 309. Power of removal of member of board of education. For cause shown, and after giving notice of the charge and opportunity of defense, the commissioner of education may remove any member of a board of education. Wilful disobedience of any lawful requirement of the commissioner of education, or a want of due diligence in obeying such requirement or wilful violation or neglect of duty is cause for removal.

§ 310. Powers and duties of boards of education. The said board of education of every union free school district shall have power, and it shall be their duty:

1. To adopt such by-laws and rules for its government as shall seem proper in the discharge of the duties required under the provisions of this chapter.

2. To establish such rules and regulations concerning the order and discipline of the schools, in the several departments thereof, as they may deem necessary to secure the best educational results.

3. To prescribe the course of study by which the pupils of the schools shall be graded and classified, and to regulate the admission of pupils and their transfer from one class or department to another, as their scholarship shall warrant.

4. To prescribe the text-books to be used in the schools, and to compel a uniformity in the use of the same, pursuant to the provisions of this chapter, and to furnish the same to pupils out of any moneys provided for that purpose.

5. To make provision for the instruction of pupils in physiology and hygiene with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

6. To purchase sites, or additions thereto, for recreation grounds and for school-houses for the district, when designated by a meeting of the district; and to construct such school-houses, and additions thereto as may be so designated; to purchase furniture and apparatus for such school-houses, and to keep the furniture and apparatus therein in repair.

7. To hire rooms in which to maintain and conduct schools when the rooms in the school-houses are overcrowded, or when such school-houses are destroyed, injured or damaged by the elements, and to fit up and furnish such rooms in a suitable manner for conducting schools therein.

8. To insure the school-houses and their furniture, apparatus and appurtenances, and the school library, in some company created by or under the laws of this state, or in some insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise the sums paid for premiums by district tax.

9. To take charge and possession of the school-houses, sites, lots, furniture, books, apparatus, and all school property within their respective districts; and the title of the same shall be vested respectively in said board of education.

10. To sell, when authorized by a vote of the qualified voters of the school district, any former school site or lot, or any real estate the title to which is vested in the board, and the buildings thereon, and appurtenances or any part thereof, at such price and upon such terms as said voters shall prescribe, and to convey the same by deed to be executed by the board or a majority of the members thereof. Also to exchange real estate belonging to the district for the purpose of improving or changing school-house sites.

11. To take and hold for the use of the said schools or of any department of the same, any real estate transferred to it by gift, grant, bequest or devise, or any gift, legacy or annuity, of whatever kind, given or bequeathed to the said board, and apply the same, or the interest or proceeds thereof, according to the instructions of the donor or testator.

12. To have in all respects the superintendence, management and control of said union free schools, and to establish therein, in conformity with the regents rules, an academic department, whenever in their judgment the same is warranted by the demand for such instruction; to receive into said union free schools any pupils residing out of said district, and to regulate and establish the tuition fees of such nonresident pupils in the several departments of said schools.

13. To provide fuel, furniture, apparatus and other necessaries for the use of said schools.

14. To appoint such librarians as they may from time to time deem necessary.

15. To contract with and employ such persons as by the provisions of this chapter are qualified teachers, to determine the number of teachers to be employed in the several departments of instruction in said school, and at the time of such employment to make and deliver to each teacher a written contract as required by section five hundred and sixty-one of this chapter.

16. To fill any vacancy which may occur in said board by reason of the death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of said board; and the person so appointed in the place of any such member of the board shall hold his office until the next annual election of trustees.

17. To remove any member of their board for official misconduct. But a written copy of all charges made of such misconduct shall be served upon him at least ten days before the time appointed for a hearing of the same; and he shall be allowed a full and fair opportunity to refute such charges before removal.

18. To provide and maintain suitable and convenient water-closets as provided in section four hundred and fifty-seven of this chapter.

19. To borrow money in anticipation of taxes remaining uncollected which have been levied by such district for the current fiscal year, and not in excess thereof, whenever in the discretion of the board of education it shall be necessary to do so for the purpose of paying the current expenses of the district for such current fiscal year, by issuing certificates of indebtedness, in the name of the board of education, signed by the president and clerk thereof, which certificates must be payable within such current fiscal year or within nine months thereafter, and shall bear interest at a rate not exceeding six per centum per annum.

20. To raise by tax upon the property of the district any moneys required to pay the salary of teachers employed after applying thereto the school moneys apportioned to the district by the state.

21. To provide for the medical inspection of all children in attendance upon schools under their supervision whenever in their judgment such inspection shall be necessary and to pay any expense incurred therefor out of funds authorized by the voters of the district or city or which may properly be set aside for such purpose by the common council or the board of estimate and apportionment of a city. [Subd. added by L. 1910, chap. 602.]

§ 311. Night schools; kindergartens. The board of education of each school district and of each city may maintain:

1. Night schools and determine the courses of instruction to be given therein. Such schools shall be free to all persons residing in the district or city.

2. Kindergartens which shall be free to resident children between the ages of four and six years.

§ 312. Appointment of superintendent of schools. 1. In any union free school district having a population of five thousand or more, which fact shall be determined by the commissioner of education, as provided in section four hundred and ninety-two of this chapter, the board of education may appoint a superintendent of schools.

2. Such superintendent shall be under the direction of the board of education, which shall prescribe his powers and duties. He shall be paid a salary from the teachers' fund, to be fixed by the board of education, and he may be removed from office by a vote of the majority of all the members of such board. Whenever such superintendent shall be appointed, the said union free school district shall be entitled to the benefits of the provisions of section four hundred *tnd ninety-two of this chapter.

§ 313. Regular meetings; visitation of schools. 1. It shall be the duty of each board of education elected pursuant to the provisions of this article to have a regular meeting at least once in each quarter.

2. Each board shall appoint one or more committees, to visit every school or department under its supervision and such committee shall visit such schools at least twice in each quarter, and

* So in original.

report at the next regular meeting of the board on the condition thereof.

3. The meetings of all such boards shall be open to the public, but said boards may hold executive sessions, at which sessions only the members of such boards or the persons invited shall be present.

§ 314. Limitation upon expenditures. No board of education shall incur a district liability in excess of the amount appropriated by a district meeting unless such board is specially authorized by law to incur such liability.

§ 315. Deposit, custody and payment of moneys in cities and villages. 1. All moneys raised for the support of schools in any city or in any union free school district whose boundaries are coterminous with the boundaries of an incorporated village or apportioned to the same by the education department or otherwise, shall be paid into the treasury of such city or village to the credit of the board of education therein; and the funds so received into such treasury shall be kept separate and distinct from any other funds received into the said treasury. And the officer having the charge thereof shall give such additional security for the safe custody thereof as the corporate authorities of such city or village shall require.

2. No money shall be drawn from such funds, credited to the several boards of education, unless in pursuance of a resolution of said board, and on drafts drawn by the president and countersigned by the secretary or clerk, payable to the order of the persons entitled to receive such money, and stating on their face the purpose or service for which such moneys have been authorized to be paid by the said board of education.

§ 316. Moneys and accounts in union free school districts whose boundaries are not the same as the boundaries of incorporated cities and villages. 1. All moneys raised in a union free school district whose limits do not correspond with those of a city or an incorporated village, or apportioned thereto by the education department or otherwise, shall be paid to the treasurer of the district entitled to receive the same, and be applied to the uses of the district and the board shall annually render their accounts of all moneys received and expended by them for the use of said schools.

2. No money shall be drawn from such funds in possession of such treasurer, unless in pursuance of a resolution of said board,

and on drafts drawn by the president and countersigned by the clerk payable to the order of the persons entitled to *reecive such money, and stating on their face the purpose or service for which said moneys have been authorized to be paid by the said board of education.

§ 317. Boards of education have powers of trustees of common schools and trustees of academies. The board of education shall possess all the powers and privileges, and be subject to all the duties in respect to the common schools, or the common school departments in any union free school in said districts, which the trustees of common schools possess or are subject to under this chapter, not specially provided for in this article, and not inconsistent with the provisions of this article; and to enjoy, whenever an academic department shall be by them established, all the immunities and privileges now enjoyed by the trustees of academies in this state.

§ 318. Academy may be adopted as academic department. Whenever a union free school shall be established under the provisions of article five, and there shall exist within its district an academy, the board of education, when authorized by a vote of the voters of the district, may adopt such academy as the academic department of the district, with the consent of the trustees of the academy, and thereupon the trustees by a resolution to be attested by the signatures of the officers of the board and filed in the office of the clerk of the county, shall declare their offices vacant, and thereafter the said academy shall be the academic department of such union free school. The board of education when thereto authorized by a vote of the qualified voters of the district may lease said academy and site, and maintain the academic department of such union free school therein and thereon.

§ 319. Contracts with academies. The board of education of a union free school district, with the approval of the commissioner of education, may adopt an academy as the academic department thereof, and contract for the instruction therein of pupils of academic grade, residing in the district. The academy thereupon becomes the academic department of such union free school, and the district is entitled to the same rights and privileges, is subject to the same duties, and the apportionment and distribution of state school money shall be made to it, as if an academic department had been established in such school.

* So in original.

§ 320. Retransfer of academy to its former trustees. If there shall be, in a dissolved union free school district, an academy which shall have been adopted as the academic department of the union free school, under the provisions of title nine, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and any amendment thereof, or title eight of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, and any amendment thereof, or under this chapter, it shall, upon the application of a majority of the surviving resident former trustees or stockholders, be transferred by the board of education to said former trustees or stockholders.

§ 321. Records; reports. It shall be the duty of said board to keep an accurate record of all its proceedings in books provided for that purpose. It shall be the duty of said board to cause to be published once in each year, and twenty days next before the annual meeting of the district, in at least one public newspaper, printed in such district, a full and detailed account of all moneys received by the board or the treasurer of said district, for its account and use, and of all the money expended therefor, giving the items of expenditure in full; should there be no paper published in said district said board shall publish such account by notice to the taxpayers, by posting copies thereof in five public places in said district. [Thus amended by L. 1910, chap. 442, in effect September 1, 1910.]

§ 322. Reports to commissioner of education. 1. The board of education of each district and of each city shall make such detailed report and in such form upon any matter relating to the schools under their management and control as the commissioner of education shall from time to time require.

2. Such board of education shall also make an annual report giving the information relating to their schools required of trustees under section two hundred and seventy-six of this chapter. Such report shall also contain such information as the commissioner of education shall require and shall be in the form prescribed by him. Such report shall be made on the first day of August of each year and, in the case of a board of education of a union free school district, shall be delivered to the town clerk of the town in which the school-house of such district is located.

§ 323. Estimated expenses for ensuing year. It shall be the duty of the board of education of each district to present at the annual meeting a detailed statement in writing of

the amount of money which will be required for the ensuing year for school purposes, exclusive of the public moneys, specifying the several purposes and the amount for each. This section shall not be construed to prevent the board from presenting such statement at a special meeting called for the purpose, nor from presenting a supplementary and amended statement or estimate at any time.

§ 324. Vote upon school taxes. After the presentation of such statement or estimate, the question shall be taken upon voting the necessary taxes to meet the estimated expenditures, and when demanded by any voter present, the question shall be taken upon each item separately, and the inhabitants may increase the amount of any estimated expenditures or reduce the same, except for teachers' wages, and the ordinary contingent expenses of the schools.

§ 325. Levy of tax for certain purposes without vote. If the inhabitants shall neglect or refuse to vote the sum estimated necessary for teachers' wages, after applying thereto the public school moneys, and other moneys received or to be received for that purpose, or if they shall neglect or refuse to vote the sum estimated necessary for ordinary contingent expenses, the board of education may levy a tax for the same, in like manner as if the same had been voted by the inhabitants.

§ 326. Reference to commissioner of education. If any question shall arise as to what are ordinary contingent expenses the same may be referred to the commissioner of education, by a statement in writing, signed by one or more of each of the opposing parties upon the question, and the decision of the commissioner shall be conclusive.

§ 327. Corporate authorities must raise tax certified by board of education. 1. The corporate authorities of any incorporated village or city in which any such union free school shall be established, shall have power, and it shall be their duty, to raise, from time to time, by tax, to be levied upon all the real and personal property in said city or village, as by law provided for the defraying of the expenses of its municipal government, such sum as the board of education established therein shall declare necessary for teachers' salaries and the ordinary contingent expenses of supporting the schools of said district.

2. The sums so declared necessary shall be set forth in a detailed statement in writing, addressed to the corporate authorities

by the board of education, giving the various purposes of anticipated expenditure, and the amount necessary for each; and the said corporate authorities shall have no power to withhold the sums so declared to be necessary; and such corporate authorities as aforesaid shall have power, and it shall be their duty to raise, from time to time, by tax as aforesaid, any such further sum to be set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of the proposed expenditure, and the amount necessary for each which may have been or which may hereafter be authorized by a majority of the voters of such union free school district present and voting at any special district meeting duly convened for any of the purposes stated in section four hundred and sixty-seven of this chapter.

§ 328. Application of this article. The provisions of this article shall apply to all union free schools heretofore organized pursuant to the provisions of chapter four hundred and thirty-three of the laws of eighteen hundred and fifty-three, and the amendments thereof, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and the amendments thereof, and of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four and the amendments thereof; and sections three hundred and twenty-seven, four hundred and sixty, four hundred and sixty-seven and four hundred and eighty of this chapter are made applicable to all school districts established by and organized under special statutes, except those of cities; and sections three hundred and ten, subdivision nineteen, three hundred and twelve and four hundred and fifty-eight of this chapter are made applicable to all school districts having a population of five thousand and upwards established by and organized under special statutes.

ARTICLE 12
Town Clerks

Section 340. Duties of town clerks.
341. Expenses of town clerks.

§ 340. Duties of town clerks. It shall be the duty of the town clerk of each town:

1. To keep all books, maps, papers, and records of his office touching common schools, and forthwith to report to the school commissioner any loss or injury to the same.

2. To receive from the supervisors the certificates of apportionment of school moneys to the town, and to record them in a book to be kept for that purpose.

3. To notify forthwith the trustees of the several school districts of the filing of each such certificate.

4. To see that the trustees of the school districts make and deposit with him their annual reports within the time prescribed by law, and to deliver them to the school commissioner on demand.

5. To furnish the school commissioner of the school commissioner district in which his town is situated the names and post-office addresses of the school district officers reported to him by the district clerks.

6. To distribute to the trustees of the school districts all books, blanks and circulars which shall be delivered or forwarded to him by the commissioner of education or school commissioner for that purpose.

7. To receive from the supervisor, and record in a book kept for that purpose, the annual account of the receipts and disbursements of school moneys required to be submitted to the town auditors, together with the action of the town auditors thereon, and to send a copy of the account and of the action thereon, by mail, to the commissioner of education whenever required by him, and to file and preserve the vouchers accompanying the account.

8. To receive and to record, in the same book, the supervisor's final account of the school moneys received and disbursed by him, and deliver a copy thereof to such supervisor's successor in office.

9. To receive from the outgoing supervisor, and file and record in the same book, the county treasurer's certificate, that his successor's bond has been given and approved.

10. To receive, file and record the descriptions of the school districts, and all papers and proceedings delivered to him by the school commissioner pursuant to the provisions of this chapter.

11. To act, when thereto legally required, in the erection or alteration of a school district, as in article five of this chapter provided.

12. To receive and preserve the books, papers and records of any dissolved school district, which shall be ordered, as hereinafter provided, to be deposited in his office.

13. To perform any other duty which may be devolved upon him by this chapter, or by any other act touching common schools.

§ 341. Expenses of town clerks. The necessary expenses and disbursements of the town clerk in the performance of his said duties, are a town charge, and shall be audited and paid as such.

ARTICLE 13

Supervisors

Section 360. Duties of supervisors.
361. Sale of gospel or school lots on division of town.
362. Payment of proceeds of sale of gospel or school lots.
363. Supervisor's bond for school moneys.
364. Refusal of supervisor to give bond.
365. Report by supervisors to county treasurer.

§ 360. Duties of supervisors. It is the duty of every supervisor:

1. To disburse the school moneys in his hands applicable to the payment of teachers' wages, upon and only upon the written orders of a sole trustee or a majority of the trustees, in favor of qualified teachers. But whenever the collector in any school district shall have given bonds for the due and faithful performance of the duties of his office as disbursing agent, as required by section two hundred and fifty-three or whenever any school district shall elect a treasurer as provided in this chapter, the said supervisor shall, upon the receipt by him of a copy of the bond executed by said collector or treasurer as herein required, certified by the trustees, pay over to such collector or treasurer, all moneys in his hands applicable to the payment of teachers' wages in such district, and the said collector or treasurer shall disburse such moneys so received by him upon such orders as are specified herein to the teachers entitled to the same.

2. To pay over all the school money apportioned to a union free school district, to the treasurer of such district, upon the order of its board of education.

3. To keep a just and true account of all the school moneys received and disbursed by him during each year, and to lay the same, with proper vouchers, before the town board or board of town auditors at each annual meeting thereof.

4. To provide a bound blank book, the cost of which shall be a town charge, and to enter therein all his receipts and disbursements of school moneys, specifying from whom and for what purposes they were received, and to whom and for what purposes

they were paid out; and to deliver the book to his successor in office.

5. To make out a just and true account of all school moneys received by him and of all disbursements thereof, within fifteen days after the termination of his office and to deliver the same to the town clerk, to be filed and recorded, and to notify his successor in office that such account has been made and filed.

6. To deliver to his predecessor the county treasurer's certificate showing that he has given to such treasurer the bond required by section three hundred and sixty-three of this chapter and that such bond has been approved by such treasurer, and to procure from the town clerk a copy of his predecessor's account, and to demand and receive from him all school moneys remaining in his hands.

7. To pay to his successor upon receipt of such certificate all school moneys remaining in his hands, and to forthwith file the certificate in the town clerk's office.

8. To sue for and recover, in his name of office, when the duty is not elsewhere imposed by law, all penalties and forfeitures imposed by this chapter, and for any default or omission of any town officer or school district board or officer under this chapter; and after deducting his costs and expenses to report the balances to the school commissioner.

9. To act, when legally required, in the erection or alteration of a school district, as provided in article five of this chapter, and to perform any other duty which may be devolved upon him by this chapter, or any other act relating to common schools.

10. To take and hold possession of the gospel and school lots of their respective towns.

11. To lease the same for such time not exceeding twenty-one years, and upon such conditions as they shall deem expedient.

12. To sell the same with the advice and consent of the inhabitants of the town, in town-meeting assembled, for such price and upon such terms of credit as shall appear to them most advantageous.

13. To invest the proceeds of such sales in loans, secured by bond and mortgage upon unincumbered real property of the value of double the amount loaned.

14. To purchase the property so mortgaged upon a foreclosure, and to hold and convey the property so purchased whenever it shall become necessary.

15. To re-loan the amount of such loans repaid to them, upon the like security.

16. To apply the rents and profits of such lots, and the interest of the money arising from the sale thereof, to the support of schools, as may be provided by law, in such manner as shall be thus provided.

17. To render a just and true account of the proceeds of the sales and the interest on the loans thereof, and of the rents and profits of such gospel and school lots, and of the expenditure and appropriation thereof, on the last Tuesday next preceding the annual town-meeting in each year, to the town board.

18. To deliver over to his successor in office, all boxes, papers and securities relating to the same, at the expiration of their respective offices.

19. To take therefor a receipt, which shall be filed in the clerk's office of the town; and,

20. To commence and prosecute in and by the name and style of the supervisor of the town any suits against any of his predecessors in office or against any other person to recover any debt, dues or demands, in anywise arising from such public lot; and no such suit shall abate by the death, resignation or removal from office of the said supervisor but the same shall and may be prosecuted to judgment and execution by his successor in office.

§ 361. Sale of gospel or school lots on division of town. Whenever a town having lands assigned to it for the support of the gospel or of schools, shall be divided into two or more towns, or shall be altered in its limits by the annexing of a part of its territory to other towns, such lands shall be sold by the supervisor of the town, in which such lands were included immediately before such division or alteration; and the proceeds thereof shall be apportioned between the towns interested therein, in the same manner as the other public moneys of towns, so divided or altered, are apportioned.

§ 362. Payment of proceeds of sale of gospel or school lots. The shares of such moneys, to which the towns shall be respectively entitled, shall be paid to the supervisors of the respective towns, and shall thereafter be subject to the provisions of this article.

§ 363. Supervisor's bond for school moneys. 1. Immediately on receiving the school commissioners' certificates of apportionment, the county treasurer shall require of each super-

visor, and each supervisor shall give to the treasurer, in behalf of the town, his bond, with two or more sufficient sureties, approved by the treasurer, in the penalty of at least double the amount of the school moneys set apart or apportioned to the town, and of any such moneys unaccounted for by his predecessors, conditioned for the faithful disbursement, safe-keeping and accounting for such moneys, and of all other school moneys that may come into his hands from any other source.

2. If the condition shall be broken the county treasurer shall sue the bond in his own name, in behalf of the town, and the money recovered shall be paid over to the successor of the supervisor in default, such successor having first *giving security as aforesaid.

3. Whenever the office of a supervisor shall become vacant, the county treasurer shall require the person elected or appointed to fill such vacancy to execute a bond, with two or more sureties, to be approved by the treasurer, in the penalty of at least double the sum of the school moneys remaining in the hands of the old supervisor, when the office became vacant, conditioned for the faithful disbursement and safe-keeping of and accounting for such moneys. But the execution of this bond shall not relieve the supervisor from the duty of executing the bond first above mentioned.

§ 364. Refusal of supervisor to give bond. The refusal of a supervisor to give such security shall be a misdemeanor, and any fine imposed on his conviction thereof shall be for the benefit of the common schools of the town. Upon such refusal, the moneys so set apart and apportioned to the town shall be paid to and disbursed by some other officer or person to be designated by the county judge, under such regulations and with such safeguards as he may prescribe, and the reasonable compensation of such officer or person, to be adjusted by the board of supervisors, shall be a town charge.

§ 365. Report by supervisors to county treasurer. On the first Tuesday of February in each year, each supervisor shall make a return in writing to the county treasurer for the use of the school commissioners, showing the amounts of school moneys in his hands not paid on the orders of trustees for teachers' salaries, and the districts to which they stand accredited, and if such moneys remain in his hands, he shall report that fact; and thereafter he shall not pay out any of said moneys until he shall

* So in original.

have received the certificate of the next apportionment; and the moneys so returned by him shall be reapportioned as directed in article eighteen of this chapter.

ARTICLE 14.

[Entire Article Amended by L. 1910, Chap. 607.]

District Superintendent of Schools; His Election, Powers and Duties.

Section 380. Office of district superintendent of schools created.
381. Supervisory districts.
382. School directors.
383. Election of district superintendent.
384. Qualifications of district superintendents.
385. District superintendent must take oath of office.
386. Term of office of district superintendent.
387. Vacancies in the office of district superintendent.
388. Filling vacancy in the office of district superintendent.
389. Salary of district superintendent.
390. Expense of district superintendents.
391. Salary of district superintendent may be withheld.
392. Removal of district superintendent from office.
393. District superintendent not to be interested in certain business, or to accept rewards, etc.
394. District superintendent not to engage in other business.
395. General powers and duties of district superintendent.
396. District superintendent subject to rules of commissioner of education.
397. Other duties of a district superintendent.
398. Appeals from acts of district superintendent, etc.

§ 380. Office of district superintendent of schools created. The office of district superintendent of schools is hereby created to begin on the first day of January, nineteen hundred and twelve.

§ 381.* Supervisory districts. 1. The territory embraced in the school commissioner districts of the state outside

* This section, as amended by L. 1910, chap. 607, takes effect July 1, 1910.

of cities and of school districts of five thousand population or more, which employ a superintendent of schools, shall be organized and divided into supervisory districts. In the formation or division of such territory into such districts no town shall be divided. The territory of such districts must be contiguous and compact and towns shall be arranged in districts so that there shall be as equal a division of the territory and number of school districts as may be practicable.

2. In a county entitled to two or more supervisory districts the school commissioner of each school commissioner district in such county and the supervisor of each town in such county shall meet at the county seat of such county on the third Tuesday in April, nineteen hundred and eleven, at ten o'clock in the forenoon and divide such county into the number of supervisory districts to which it is entitled.

3. The county clerk of such county shall give ten days' notice, in writing, of such meeting, to each of such school commissioners and supervisors. The county clerk shall also call such meeting to order at the proper hour and the school commissioners and supervisors present shall elect from their number a chairman and a clerk.

4. A copy of the proceedings of such meeting showing the supervisory districts formed and naming the towns composing each of such districts, certified by the chairman and clerk, shall be deposited by the clerk of such meeting in the office of the clerk of the county immediately after the close of the meeting. The county clerk on receipt of the same shall forward a certified copy thereof to the commissioner of education.

5. The number of supervisory districts into which each county shall be organized or divided is as follows:

a. Hamilton, Putnam, Rockland, Schenectady, each one;

b. Chemung, Fulton, Genesee, Montgomery, Nassau, Schuyler, Seneca, Yates, each two;

c. Albany, Clinton, Columbia, Cortland, Essex, Greene, Livingston, Niagara, Orange, Orleans, Rensselaer, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Warren, Wyoming, each three;

d. Broome, Dutchess, Franklin, Herkimer, Lewis, Madison, Monroe, Ontario, Saratoga, Ulster, Washington, Wayne, Westchester, each four;

e. Allegany, Cattaraugus, Cayuga, Chenango, Erie, Onondaga, Oswego, each five;

f. Chautauqua, Delaware, Jefferson, Otsego, each six;
g. Oneida, Steuben, each seven;
h. Saint Lawrence, eight districts.

§ 382.* School directors. 1. Two school directors shall be elected for each town at the general election held in the year nineteen hundred and ten. One of such directors shall be elected to serve until January one, nineteen hundred and thirteen, and the other shall be elected to serve until January one, nineteen hundred and sixteen. A director shall be elected at the general election in nineteen hundred and twelve and every fifth year thereafter and one shall be elected in nineteen hundred and fifteen and every fifth year thereafter. The term of office of the directors elected in nineteen hundrd and twelve and thereafter shall commence on the first day of January following their election and continue for five years. Such directors shall be elected in the same manner that town officers are elected at town meetings held at the time of a general election, and the provisions of the election law relating to the nomination and election of such town officers shall apply to the nomination and election of such directors.

2. A school director shall vacate his office by removal from the town or by filing a written resignation with the town clerk. A vacancy in the office of school director shall be filled by the town board of the town in which such vacancy exists. If the town fails to elect a director a vacancy shall be deemed to exist in such office.

3. A school director before entering upon the discharge of the duties of his office, and not later than thirty days after the date on which he was elected to office, shall take the oath of office prescribed by the constitution. Such oath may be taken before a justice of the peace or a notary public, and must be filed in the office of the clerk of the town.

4. A school director shall receive two dollars per day for each day's service and his necessary traveling expenses, and the town board of the town for which such director is chosen shall audit and allow the same.

§ 383.† Election of district superintendent. 1. The school directors of the several towns composing a supervisory district shall meet for organization at eleven o'clock in the forenoon on the third Tuesday in May following their election. Such meeting shall be held at a place in the supervisory district,

* This section, as amended by L. 1910, chap. 607, takes effect July 1, 1910.
† This section, as amended by L. 1910, chap. 607, takes effect April 1, 1911.

designated by the county clerk, at least ten days previous to the date thereof. At the time the county clerk designates such place of meeting he shall also mail a notice of the time and place of such meeting to each school director of the district. The school directors present at such meeting shall organize by electing from their number a chairman, a clerk and two inspectors of election. The school directors at such meeting shall designate a place for holding future meetings.

2. The school directors of the several towns composing a supervisory district shall be a board of school directors, and such board of directors shall meet at eleven o'clock in the forenoon on the third Tuesday in August, nineteen hundred and eleven, and on the third Tuesday in June every fifth year thereafter, and elect a district superintendent of schools. The clerk of such board shall give each director at least ten days' notice in writing of the hour, date and place of such meeting.

3. If such directors fail to elect a district superintendent of schools before the first day of January following the date of such meeting, and a vacancy exists in such office, the county judge shall appoint such superintendent who shall serve until the board of directors shall fill such vacancy.

4. In the election of such district superintendent the vote shall be by ballot and the person receiving a majority of all votes cast shall be elected. Each school director shall be entitled to one vote in such election.

5. The clerk of such board shall file a copy of the proceedings of each meeting and each election, certified by himself and the chairman, in the office of the clerk of the county in which such meeting or election is held within three days after the close thereof.

6. The county clerk on receipt of notice of the election of a district superintendent of schools in any supervisory district of his county shall deliver to the person elected a certificate of such election attested by his signature with the seal of the county and shall also transmit to the commissioner of education a duplicate of such certificate of election.

§ 384. Qualifications of district superintendents. 1. To be eligible to election to the office of district superintendent of schools a person must be at least twenty-one years of age, a citizen of the United States and a resident of the state, but he need not be a resident of the supervisory district for which he is

elected at the time of his election. Such superintendent must, however, become a resident of the county containing the district for which he has been elected on or before the date on which his term of office begins. Failure to acquire such residence will be deemed a removal from the county. No person shall be ineligible on account of sex.

2. In addition thereto he must possess or be entitled to receive a certificate authorizing him to teach in any of the public schools of the state without further examination and he shall also pass an examination prescribed by the commissioner of education on the supervision of courses of study in agriculture and teaching the same.

3. A district superintendent who is removed from office shall not be eligible to election to such office in any supervisory district for a period of five years.

§ 385. District superintendent must take oath of office. A district superintendent of schools before entering upon the discharge of the duties of his office, and not later than five days after the date on which his term of office is to commence, shall take the oath of office prescribed by the constitution. Such oath may be taken before a county clerk, a justice of the peace, or a notary public and must be filed in the office of the clerk of the county.

§ 386. Term of office of district superintendent. The district superintendents elected in nineteen hundred and eleven shall hold office until the first day of August, nineteen hundred and sixteen. The full term of office of a district superintendent of schools elected in nineteen hundred and sixteen and thereafter shall be five years and shall commence on the first day of August next after his election. A district superintendent of schools unless removed shall hold office until his successor is chosen and qualified.

§ 387. Vacancies in the office of district superintendent. The office of district superintendent of schools shall be vacant upon:

1. The death of an incumbent.
2. His removal from office by the commissioner of education.
3. His removal from the county.
4. His filing in the office of the clerk of the county his written resignation.
5. His acceptance of the office of supervisor, town clerk or trustee of a school district.

6. His failure to take and file the oath of office as provided in this article.

§ 388. Filling vacancy in the office of district superintendent. Whenever a vacancy occurs it shall be filled for the remainder of the unexpired term by the board of school directors. Upon direction of the commissioner of education the clerk of the board in which the supervisory district having such vacancy is located shall immediately call a special meeting of such board for the purpose of electing a district superintendent. The provisions of this title relative to the election generally of a district superintendent of schools, including notices, filing of the proceedings and all other matters relating to such an election, shall apply to a special election to fill a vacancy in such office.

§ 389. Salary of district superintendent. 1. Each district superintendent shall receive an annual salary from the state of twelve hundred dollars, payable monthly by the commissioner of education from moneys appropriated therefor.

2. The supervisors of the towns composing any supervisory district may by adopting a resolution by a majority vote increase the salary to be paid by such district to its district superintendent. Such supervisors must thereupon file with the clerk of the board of supervisors a certificate showing the amount of such increase. The board of supervisors of each county shall levy such amount annually by tax on the towns composing such supervisory district within the county.

§ 390. Expense of district superintendents. The commissioner of education shall quarterly audit and allow the actual sworn expense incurred by each district superintendent of schools in the performance of his official duties, but the amount of such expense allowed shall not exceed in any year three hundred dollars. Such expenses shall be paid by the commissioner of education from moneys appropriated therefor.

§ 391. Salary of district superintendent may be withheld. The commissioner of education may, whenever he is satisfied that a district superintendent of schools has persistently neglected to perform an official duty, withhold payment of the whole or any part of such superintendent's salary as it shall become due and he may also withhold any sum to which such superintendent shall be entitled for expenses and the amount thus withheld shall be forfeited; but said commissioner may in his discretion remit such forfeiture in whole or in part.

§ 392. Removal of district superintendent from office. The commissioner of education may, by an order under the seal of the education department, remove a district superintendent of schools from office whenever he is satisfied that such superintendent:

1. Has been guilty of immoral conduct;
2. Is incompetent to perform any official duty; or
3. Has persistently neglected or wilfully refused to perform any lawful duty imposed upon him.

§ 393. District superintendent not to be interested in certain business or to accept rewards, et cetera. A district superintendent of schools shall not:

1. Be directly or indirectly interested otherwise than as author in the sale, publication, or manufacture of school books, maps, charts, or school apparatus or in the sale or manufacture of school furniture or any other school or library supplies.
2. Be directly or indirectly interested in any contract made by the trustees of a school district.
3. Be directly or indirectly interested in any agency or bureau maintained to obtain or aid in obtaining positions for teachers or superintendents.
4. Directly or indirectly receive any emolument, gift, pay, reward or promise of pay or reward for recommending or procuring the sale, use or adoption or aiding in procuring the sale, use or adoption of any book, map, chart, school apparatus or furniture or other supplies for any school or library or for recommending a teacher or aiding a teacher in obtaining appointment to teach.

§ 394. District superintendents not to engage in other business. A district superintendent of schools shall devote his whole time to the performance of the duties of his office and shall not engage in any other occupation or profession. Such time as shall not necessarily be devoted by a district superintendent of schools to the performance of the clerical and administrative work of his office shall be devoted to the visitation and inspection of the schools maintained in his supervisory district.

§ 395. General powers and duties of district superintendent. A district superintendent of schools shall have power and it shall be his duty:

1. To inquire from time to time into and ascertain whether the boundaries of the school districts within his supervisory district

are definitely and plainly described in the records of the office of the proper town clerk; and in case the record of the boundaries of any school district shall be found indefinite or defective, or if the same shall be in dispute, then to cause the same to be amended or an amended record of the boundaries to be made. All necessary expenses incurred in establishing such amended records shall be a charge on the district or districts affected, to be audited and allowed by the trustees thereof, on the certificate of the district superintendent.

2. To assemble all the teachers of his district by towns or otherwise on days other than legal holidays when schools are not in session, for the purpose of conference on the course of study, for reports of and advice and counsel in relation to discipline, school management and other school work, and for promoting the general good of all the schools of the district.

3. To frequently and thoroughly inspect the work done in the training classes maintained in his district and to report to the commissioner of education on the efficiency of the instruction given and the observation and practice work done by the members thereof.

4. To hold meetings of trustees and other school officers and to advise with and counsel them in relation to their powers and duties and particularly in relation to the repair, construction, heating, ventilating and lighting of schoolhouses and improving and adorning the school grounds. To especially advise trustees relative to the employment of teachers, the adoption of textbooks and the purchase of library books, school apparatus, furniture and supplies.

5. To direct the trustees of any district to make any alterations or repairs to the schoolhouses or outbuildings which shall, in his opinion, be necessary for the health or comfort of the pupils, but the amount which trustees shall be directed to expend in such alterations or repairs shall not exceed two hundred dollars in any one year.

6. To direct the trustees of any district to make any repairs or alterations to school furniture, or where in his opinion any furniture is unfit for use and not worth repairing, or when sufficient furniture is not provided, to direct that such new furniture shall be provided as he deems necessary, but the amount thus directed to be expended shall not exceed in any one year one hundred dollars.

7. To direct the trustees of any district to abate any nuisance in or on the school grounds.

8. To condemn a schoolhouse as provided elsewhere in this chapter.

9. To examine and license teachers pursuant to the provisions of this chapter. He shall also conduct such other examinations as the commissioner of education shall direct.

10. To examine any charge affecting the moral character of any teacher residing or employed within his district, and to revoke such teacher's certificate as elsewhere provided by this chapter.

11. To take affidavits and administer oaths in all matters pertaining to the public school system, but without charge or fee.

12. To take and report to the commissioner of education under the direction of such commissioner testimony in a case on appeal. In such a case or in any matter or proceeding to be heard or determined by the district superintendent, he may issue a subpoena to compel the attendance of a witness. Service of such subpoena shall be made a reasonable time before the date named therein for the hearing, by exhibiting the same to the person so served, with the signature of the district superintendent of schools attached, and by leaving a copy thereof with such person. The witness shall be entitled to receive at the time of service, the same fees as provided by law for witnesses in a court of record. Disobedience to such subpoena shall subject the delinquent to a penalty of twenty-five dollars, which shall be recovered by the county treasurer in his name of office for the benefit of the county.

13. To exercise in his discretion any of the powers and perform any of the duties of another district superintendent on the written request of such other superintendent, and he must exercise such powers and perform such duties when directed to do so by the commissioner of education.

14. To make such investigations and to make such reports to the commissioner of education upon any matter or act as said commissioner shall from time to time request. He shall make an annual report on the first day of September in such form and giving such information as the commissioner of education shall require. For this purpose he shall procure the reports of trustees of school districts from the town clerks' offices and after abstracting the necessary contents thereof shall indorse and deposit them with a copy of his abstract in the office of the county clerk.

§ 396. District superintendent subject to the rules of commissioner of education. A district superintendent shall be subject to such rules and directions as the commissioner of education shall from time to time prescribe.

§ 397. Other duties of a district superintendent. A district superintendent of schools shall, in addition to the duties especially conferred upon him by this title, possess and be subject to all the powers, duties and responsibilities with which a school commissioner is charged by law.

§ 398. Appeals from acts of district superintendent, et cetera. Appeals from the official acts of a district superintendent of schools or from his refusal or failure to act in any matter in which he may legally act, may be taken to the commissioner of education. All questions in controversy relating to the election of such district superintendent or to the formation of supervisory district shall be determined by the commissioner of education on proper appeal. The provisions of article fourteen of this chapter shall apply to and govern such appeals and decisions therein.*

ARTICLE 15

Assessment and Collection of Taxes

Section 410. Assessment of taxes.
411. Property to be assessed.
412. Ascertainment of valuations.
413. Power of trustees to determine values.
414. Equalization within joint districts.
415. Assessment of vacant land.
416. Persons working land on shares and vendees in possession liable to taxation.
417. Liability of property of certain absentee owners.
418. Certain exemptions from tax for building schoolhouse.
419. Right of certain tenants to charge tax to landlord.
420. Requisites and authority of collector's warrant.
421. Time for delivery of warrant to collector.

*L. 1910, chap. 607, § 2. Sections three hundred and eighty-one and three hundred and eighty-two of this article hereby amended shall take effect on the first day of July, nineteen hundred and ten. Section three hundred and eighty-three of such article shall take effect on the first day of April, nineteen hundred and eleven. All other provisions of such article shall take effect on the first day of January, nineteen hundred and twelve.

Section 422. Jurisdiction of collector.
423. Renewals of warrants.
424. Amendment of tax lists.
425. Collector's notice.
426. Collector's fees.
427. Notice to railroad companies of assessment and tax.
428. Payment of tax by railroad company to county treasurer.
429. Duty of collector after failure of railroad company to pay within thirty days.
430. Payment of tax by county treasurer to collector.
431. Railroad company may pay collector.
432. Trustees' right of action to recover tax.
433. Collector's return of unpaid taxes.
434. Certification by trustees of collector's return.
435. Payment of unpaid taxes from county treasury.
436. Levy by supervisors of unpaid taxes.
437. Payment before levy.
438. Proceedings for collection same as of county taxes.
439. Filing tax-list and warrant with town clerk.
440. Assessment for school purposes of certain state lands.

§ 410. Assessment of taxes. Within thirty days after a tax shall have been voted by a district meeting, the trustees shall assess it, and make out the tax-list therefor, and annex thereto their warrant for its collection. But they may at the same time assess two or more taxes so voted, and any taxes they are authorized to raise without such vote, and make out one tax-list and one warrant for the collection of the whole. They shall also prefix to their tax-list a heading showing for what purpose the different items of the tax are levied.

§ 411. Property to be assessed. 1. School district taxes shall be apportioned by the trustees upon all real estate within the boundaries of the district which shall not be by law exempt from taxation, except as hereinafter provided, and such property shall be assessed to the person or corporation owning or possessing the same at the time such tax-list shall be made out.

2. The trustees shall also apportion the district taxes upon all persons residing in the district, and upon all corporations liable to taxation therein, for the personal estate owned by them and liable to taxation.

3. Land lying in one body and occupied by the same person, either as owner or agent for the same principal, or as tenant under the same landlord, if assessed as one lot on the last assessment-roll of the town after revision by the assessors, shall, though situated partly in two or more school districts, be taxable in that one of them in which such occupant resides. This rule shall not apply to land owned by non-residents of the district, and which shall not be occupied by an agent, servant or tenant residing in the district. Such unoccupied real estate shall be assessed as non-resident, and a description thereof shall be entered in the tax-list.

§ 412. Ascertainment of valuations. The valuations of taxable property shall be ascertained, so far as possible, from the last assessment-roll of the town, after revision by the assessors; and no person shall be entitled to any reduction in the valuation of such property, as so ascertained, unless he shall give notice of his claim to such reduction in writing to the trustees of the district before the tax-list shall be made out.

§ 413. Power of trustees to determine values. The trustees of a district shall ascertain the true value of the property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed in the valuation of taxable property, the hearing of grievances, and the revision of the town assessment-roll in the following cases:

1. When a reduction shall be duly claimed and where the valuation of taxable property cannot be ascertained from the last completed assessment-roll of the town;

2. When the valuation of such property shall have increased or diminished since the last assessment-roll of the town was completed;

3. When an error, mistake, or omission on the part of the town assessors shall have been made in the description or valuation of taxable property.

§ 414. Equalization within joint districts. When a district embraces parts of two or more towns, the supervisors of such towns shall, upon receiving a written notice from the trustees of such district, or from three or more persons liable to pay taxes upon real estate therein, meet at a time and place to be named in such notice, which time shall not be less than five or more than

ten days from the service thereof, and a place within the bounds of the towns so in part embraced, and proceed to inquire and determine whether the valuation of real property upon the several assessment-rolls of said towns is substantially just as compared with each other.

2. If it is ascertained that such assessments are not relatively equal such supervisor shall determine the relative proportion of taxes that ought to be assessed upon the real property of the parts of such district lying in different towns, and the trustees of such district shall thereupon assess the proportion of any tax thereafter to be raised, according to the determination of such supervisors, until new assessment-rolls of the town shall be perfected and filed, using the assessment-rolls of the several towns to distribute the said proportion among the persons liable to be assessed for the same.

3. If such supervisors shall be unable to agree, they shall summon a supervisor from some adjoining town who shall meet with them and unite in such inquiry and the finding of a majority shall be the determination of such meeting.

4. Such supervisors shall receive for their services three dollars per day for each day actually employed which shall be a town charge upon their respective towns.

§ 415. Assessment of vacant land. When any real estate within a district so liable to taxation shall not be occupied and improved by the owner, his servant or agent, and shall not be possessed by any tenant, the trustees of any district, at the time of making out any tax-list by which any tax shall be imposed thereon, shall make and insert in such tax-list a statement and description of every such lot, piece or parcel of land so owned by nonresidents therein, in the same manner as required by law from town assessors in making out the assessment-roll of their towns; and if any such lot is known to belong to an incorporated company liable to taxation in such district, the name of such company shall be specified, and the value of such lot or piece of land shall be set down opposite to such description, which value shall be the same that was affixed to such lot or piece of land in the last assessment-roll of the town; and if the same was not separately valued in such roll, then it shall be valued in proportion to the valuation which was affixed in the said assessment-roll to the whole tract of which such lot or piece shall be part.

§ 416. Persons working land on shares and vendees in possession liable to taxation. Any person working land under a contract for a share of the produce of such land, shall be deemed the possessor, so far as to render him liable to taxation therefor, in the district where such land is situate, and any person in possession of real property under a contract for the purchase thereof shall be liable to taxation therefor in the district where such real property is situated.

§ 417. Liability of property of certain absentee owners. Every person owning or holding any real property within any school district, who shall improve and occupy the same by his agent or servant, shall, in respect to the liability of such property to taxation, be considered a taxable inhabitant of such district, in the same manner as if he actually resided therein.

§ 418. Certain exemptions from tax for building school-house. Every taxable inhabitant of a district who shall have been, within four years, set off from any other district, without his consent, and shall within that period, have actually paid in such other district, under a lawful assessment therein, a district tax for building a school-house, shall be exempted by the trustees of the district where he shall reside, from the payment of any tax for building a school-house therein.

§ 419. Right of certain tenants to charge tax to landlord. Where any district tax, for the purpose of purchasing a site for a school-house, or for purchasing or building, keeping in repair, or furnishing such school-house with necessary fuel and appurtenances, shall be lawfully assessed, and paid by any person on account of any real property whereof he is only a tenant at will, or for three years, or for a less period of time, such tenant may charge the owner of such real estate with the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

§ 420. Requisites and authority of collector's warrant. The *warant for the collection of a district tax shall be under the hands of the trustees, or a majority of them, with or without their seals; and it shall have the like force and effect as a warrant issued by a board of supervisors to a collector of taxes in

* So in original.

the town; and the collector to whom it may be delivered for collection shall be thereby authorized and required to collect from every person in such tax-list named the sum set opposite to his name, or the amount due from any person specified therein, in the same manner that collectors are authorized to collect town and county taxes.

§ 421. Time for delivery of warrant to collector. 1. A warrant for the collection of a tax voted by the district shall not be delivered to the collector until the thirty-first day after the tax was voted.

2. A warrant for the collection of a tax authorized by law without a vote of the district may be delivered to the collector whenever the same is completed.

§ 422. Jurisdiction of collector. Any collector to whom any tax-list and warrant may be delivered for collection may execute the same in any other district or town in the same county, or in any other county where the district is a joint district and composed of territory from adjoining counties, in the same manner and with the like authority as in the district in which the trustees issuing the said warrant may reside, and for the benefit of which said tax is intended to be collected; and the bond or sureties of any collector, given for the faithful performance of his official duties, are hereby declared and made liable for any moneys received or collected on any such tax-list and warrant.

§ 423. Renewals of warrants. If the sum of money, payable by any person named in such tax-lists, shall not be paid by him or collected by such warrant within the time therein limited, it shall be lawful for the trustees to renew such warrant in respect to such delinquent person; and whenever more than one renewal of a warrant for the collection of any tax-list may become necessary in any district, the trustees may make such further renewal, with the written approval of the supervisor of any town in which a school-house of said district may be located, to be indorsed upon such warrant.

§ 424. Amendment of tax-lists. Whenever the trustees of any school district shall discover any error in a tax-list made out by them, they may, with the approval and consent of the commissioner of education, after refunding any amount that may have been improperly collected on such tax-list, if the same shall

be required by him, amend and correct such tax-list, as directed by the commissioner, in conformity to law.

§ 425. Collector's notice. 1. The collector, on the receipt of a warrant for the collection of taxes, shall give notice to the taxpayers of the district by publicly posting written or printed, or partly written and partly printed, notices in at least three public places in such district, one of which shall be on the outside of the front door of the school-house, stating that he has received such warrant and will receive all such taxes as may be voluntarily paid to him within thirty days from the time of posting said notice.

2. Such collector shall also give a like notice, either personally or by mail, at least twenty days previous to the expiration of the thirty days aforesaid, to the president, secretary, general or division superintendent, or manager of any canal or pipe line, assessed for taxes upon the tax-list delivered to him with the aforesaid warrant.

3. Such collector shall also give a like notice to all nonresident taxpayers on said list whose tax amounts to one dollar or more and whose residence or post-office address may be known to such collector, or may be ascertained by him upon inquiry of the trustees and clerk of his district.

4. No school collector shall be entitled to recover from any railroad corporation, canal company or pipe line, or nonresident taxpayer more than one per centum fees on the taxes assessed against such corporation or nonresident, unless such notice shall have been given as aforesaid; and in case the whole amount of taxes shall not be so paid in, the collector shall forthwith proceed to collect the same.

§ 426. Collector's fees. The collector shall receive for his services on all sums paid in as aforesaid, one per centum, and upon all sums collected by him, after the expiration of the time mentioned, five per centum, except as hereinbefore provided; and in case a levy and sale shall be necessarily made by such collector, he shall be entitled to traveling fees, at the rate of ten cents per mile, to be computed from the school-house in such district.

§ 427. Notice to railroad companies of assessment and tax. 1. It shall be the duty of the school collector in each school district in this state, within five days after the receipt by such collector of any and every tax or assessment roll of his dis-

trict, to prepare and deliver to the county treasurer of the county in which such district, or the greater part thereof, is situated, a statement showing the name of each railroad company, appearing in said roll, the assessment against each of said companies for real and personal property respectively, and the tax against each of said companies.

2. It shall thereupon be the duty of such county treasurer, immediately after the receipt by him of such statement from such school collector, to notify the ticket agent of any such railroad company assessed for taxes at the station nearest to the office of such county treasurer, personally or by mail, of the fact that such statement has been filed with him by such collector, at the same time specifying the amount of tax to be paid by such railroad company.

§ 428. Payment of tax by railroad company to county treasurer. Any railroad company heretofore organized, or which may hereafter be organized, under the laws of this state, may within thirty days after the receipt of such statement by such county treasurer, pay the amount of tax so levied or assessed against it in such district and in such statement mentioned and contained with one per centum fees thereon, to such county treasurer, who is hereby authorized and directed to receive such amount and to give proper receipt therefor.

§ 429. Duty of collector after failure of railroad company to pay within thirty days. In case any railroad company shall fail to pay such tax within said thirty days, it shall be the duty of such county treasurer to notify the collector of the school district in which such delinquent railroad company is assessed, of its failure to pay said tax, and upon receipt of such notice it shall be the duty of such collector to collect such unpaid tax in the manner now provided by law together with five per centum fees thereon; but no school collector shall collect by distress and sale any tax levied or assessed in his district upon the property of any railroad company until the receipt by him of such notice from the county treasurer.

§ 430. Payment of tax by county treasurer to collector. The several amounts of tax received by any county treasurer in this state, under the provisions of the last three sections, of and from railroad companies, shall be by such county treasurer placed to the credit of the school district for or on ac-

count of which the same was levied or assessed, and on demand paid over to the school collector thereof, and the one per centum fees received therewith shall be placed to the credit of, and on demand paid to, the school collector of such school district.

§ 431. Railroad company may pay collector. Nothing in the last four sections contained shall be construed to hinder, prevent or prohibit any railroad company from paying its school tax to the school collector direct, as provided by law.

§ 432. Trustees' right of action to recover tax. Whenever any sum of money payable by any person named in such tax-list, shall not be paid by such person, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustees may sue for and recover the same in their name of office.

§ 433. Collector's return of unpaid taxes. If any tax on real estate placed upon the tax-list and duly delivered to the collector, or the taxes upon nonresident stockholders in banking associations organized under the laws of congress, shall be unpaid at the time the collector is required by law to return his warrant, he shall deliver to the trustees of the district an account of the taxes remaining due, containing a description of the lands upon which such taxes were unpaid as the same were placed upon the tax-list, together with the amount of the tax so assessed, and upon making oath before any justice of the peace or judge of a court of record, notary public or any other officer authorized to administer oaths, that the taxes mentioned in any such account remain unpaid, and that, after diligent efforts, he has been unable to collect the same, he shall be credited by said trustees with the amount thereof.

§ 434. Certification by trustees of collector's return. Upon receiving any such account from the collector, the trustees shall compare it with the original tax-list, and if they find it to be a true transcript they shall add to such account their certificate to the effect that they have compared it with the original tax-list and found it to be correct, and shall immediately transmit the account, affidavit and certificate to the treasurer of the county.

§ 435. Payment of unpaid taxes from county treasury. Out of any moneys in the county treasury, raised for contingent expenses, or for the purpose of paying the amount of the taxes so returned unpaid, the treasurer shall pay to the district treasurer, if there be such an officer, otherwise to the collector, the amount of the taxes so returned as unpaid, and if there are no moneys in the treasury applicable to such purpose, the board of supervisors, at the time of levying said unpaid taxes, as provided in the next section, shall pay to the district treasurer, if there be such an officer, otherwise to the collector of the school district the amount thereof, by voucher or draft on the county treasurer, in the same manner as other county charges are paid, and the collector shall be again charged therewith by the trustees. [Thus amended by L. 1910, chap. 284, in effect May 13, 1910.]

§ 436. Levy by supervisors of unpaid taxes. Such account, affidavit and certificate shall be laid by the county treasurer before the board of supervisors of the county, who shall cause the amount of such unpaid taxes, with seven per centum of the amount in addition thereto, to be levied upon the lands upon which the same were imposed; and if imposed upon the lands of any incorporated company, then upon such company; and when collected the same shall be returned to the county treasurer to reimburse the amount so advanced, with the expenses of collection.

§ 437. Payment before levy. Any person whose lands are included in any such account may pay the tax assessed thereon, with five per centum added thereto, to the county treasurer, at any time before the board of supervisors shall have directed the same to be levied.

§ 438. Proceedings for collection same as of county taxes. The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the board of supervisors as are provided by law in relation to the county taxes; and, upon a similar account, as in the case of county taxes of the arrears thereof uncollected, being transmitted by the county treasurer to the comptroller, the same shall be paid on his warrant to the treasurer of the county advancing the same; and the amount so assumed by the state shall be collected for its benefit, in the manner prescribed by law in respect to the arrears of county taxes upon land of nonresidents; or if any part of the amount so assumed consisted of a tax upon any incorporated company, the same proceedings may also be had for the collec-

tion thereof as provided by law in respect to the county taxes assessed upon such company.

§ 439. Filing tax-list and warrant with town clerk. Within fifteen days after any tax-list and warrant shall have been returned by a collector to the trustees of any school district, the trustees shall deliver the same to the town clerk of the town in which the collector resides, and said town clerk shall file the same in his office.

§ 440. Assessment for school purposes of certain state lands. 1. The board of education of union free school district number one, town of Dannemora, in the county of Clinton, shall hereafter assess the property owned by the state and situate within the boundaries of said district, exclusive of the improvements erected thereon by the state at the same valuation as other lands in said district are assessed, and the comptroller shall hereafter pay to the school authorities of such district the amount of taxes levied upon the land of the state for school purposes in such district by virtue of this section, out of any moneys hereafter appropriated by the legislature for the payment of assessments for local improvements on property owned by the state.

2. The local school authorities of union free school district number two of the town of Wawarsing, Ulster county, and of school districts in the county of Rockland shall hereafter assess the lands owned by the state of New York and situate within the boundaries of said districts, exclusive of the improvements, if any, erected thereon by the state, at the same valuation as similar lands of individuals in said districts are assessed and the comptroller shall hereafter credit to the treasurer of the county wherein such lands are situated the amount of taxes levied upon the lands of the state therein for school purposes from taxes payable by said county treasurer each year to the state for state taxes levied and assessed upon the taxable property of the towns in which such districts are located and upon the adjustment of such taxes so made, the said county treasurer shall pay to the collector of taxes of the school districts in which such lands are situated the amount of such taxes as allowed and so paid by the state.

3. After a tax has been voted by a district meeting in a district specified in the preceding subdivision, in which there is land owned by the state and the trustees have made the assessment and their tax-list therefor, such trustees shall immediately file in the office of the comptroller a duly verified copy of such tax list, which

in addition to the other matters now required by law shall state which are lands belonging to the state. The comptroller shall within thirty days after the receipt of such list and after hearing the trustees, if they or any of them so desire, correct or reduce any assessment of state lands which may be in his judgment an unfair proportion to the remaining assessment of land within the district, and shall in other respects approve the assessment and communicate such approval to the trustees. No such assessment of state lands shall be valid for any purpose until the amount of the assessment is approved by the comptroller.

ARTICLE 16

School Buildings and Sites

Section 450. No school-house shall be built on town line.
451. Plans and specifications of *new school buildings must be approved by commissioner of education.
452. Halls, doors, stairways, staircases, etc.
453. Fire escapes.
454. Use of school buildings for examinations and institutes.
455. Use of school-house out of school hours.
456. Condemnation of school-house and erection of new school-house in place thereof.
457. Provision for outbuildings.
458. When board of education may designate site without vote of district.
459. Change of site.
460. Site, how designated.
461. Sale of former school-house or site.
462. Application of proceeds of sale.
463. Acquisition of real property.
464. When owner's consent necessary.
465. Vesting of title of lands in certain cases.
466. Application to certain districts.
467. School taxes and school-bonds.

§ 450. No school-house shall be built on town line. No school-house shall be built so as to stand on the division line of any two towns.

* So in original.

§ 451. Plans and specifications of school buildings must be approved by commissioner of education. 1. No school-house shall hereafter be erected, repaired, enlarged or remodeled in a city of the third class or in a school district, at an expense which shall exceed five hundred dollars, until the plans and specifications thereof shall have been submitted to the commissioner of education and his approval indorsed thereon. Such plans and specifications shall show in detail the ventilation, heating and lighting of such buildings.

2. The commissioner of education shall not approve the plans for the erection of any school building or addition thereto or remodeling thereof unless the same shall provide

a. At least fifteen square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated in each study or recitation room therein.

b. For assuring at least thirty cubic feet of pure air every minute per pupil, and

c. The facilities for exhausting the foul or vitiated air therein shall be positive and independent of atmospheric changes.

3. No tax voted by a district meeting or other competent authority in any such city, or school district exceeding the sum of five hundred dollars, shall be levied by the trustees until the commissioner of education shall certify that the plans and specifications for the same comply with the provisions of this section.

§ 452. Halls, doors, stairways, staircases, etc. 1. All school-houses for which plans and detailed statements shall be filed and approved, as required by the preceding section shall have all halls, doors, stairways, seats, passage-ways and aisles and all lighting and heating appliances and apparatus arranged to facilitate egress and afford adequate protection in cases of fire or accident.

2. All exit doors shall open outwardly, and shall, if double doors be used, be fastened with movable bolts operated simultaneously by one handle from the inner face of the door.

3. No staircase shall be constructed with winder steps in lieu of a platform but shall be constructed with straight runs, changes in direction being made by platforms. No door shall open immediately upon a flight of stairs, but a landing at least the width of the door shall be provided between such stairs and such doorway.

§ 453. Fire escapes. 1. All school buildings in the state, except in the city of New York, which are more than two stories

high, shall have properly constructed stairways on the outside thereof, with suitable doorways leading thereto, from each story above the first, for use in case of fire. Such stairways shall be kept in good order and free from obstruction, and shall not be bolted or locked during school hours.

2. It shall be the duty of the trustee or board of education having charge of said school buildings to cause such stairways to be constructed and maintained, and the reasonable and proper cost thereof shall in each case be a legal charge upon the district or city, and shall be raised by tax, as other moneys are raised for school purposes.

§ 454. Use of school buildings for examinations and institutes. 1. The use of a school building shall be granted for any examination or teachers institute appointed by the commissioner of education upon the request of the school commissioner in whose school commissioner district or the superintendent of the city in which such building is located or upon the direction or order of such commissioner of education.

2. No charge shall be made therefor except when such building is used for a teachers institute, in which case a reasonable allowance may be made to said district or city for lighting, heating and janitor service, provided always that due and proper care shall be maintained and the school building be left in such condition as found in relation to cleanliness and neatness.

§ 455. Use of school-house out of school hours. The trustees may permit the school-house, when not in use for the district school, to be used by persons assembling therein for the purpose of giving and receiving instruction in any branch of education or learning, or in the science or practice of music.

§ 456. Condemnation of school-house and erection of new school-house in place thereof. 1. A school commissioner may make an order condemning a school-house, if he finds upon examination that such school-house is wholly unfit for use and not worth repairing. He shall deliver such order to a trustee of the district and transmit a copy thereof to the commissioner of education. He shall also state in such order the date on which it shall take effect and the sum which in his opinion will be necessary to erect a school building suitable to the needs of the district.

2. Immediately upon the receipt of said order, the trustees of such district shall call a special meeting of the voters of said

district, to consider the question of building a new school-house therein. Such meeting shall have power to determine the size of said school-house, the material to be used in its erection, and to vote a tax to build the same. But such meeting shall have no power to reduce the estimate made by the commissioner aforesaid by more than twenty-five per centum of such estimate.

3. And where no tax for building such school-house shall have been voted by such district within thirty days from the time of holding the first meeting to consider the question, it shall be the duty of the trustees of such district to contract for the building of a school-house capable of accommodating the children of the district, and to levy a tax to pay for the same, which tax shall not exceed the sum estimated as necessary by the commissioner aforesaid, and which shall not be less than such estimated sum by more than twenty-five per centum thereof. But such estimated sum may be increased at any subsequent school meeting legally held in the district.

§ 457. Provision for outbuildings. 1. The trustees in the several school districts shall provide at least two suitable and convenient water-closets or privies for each of the schools under their charge, which shall be entirely separated each from the other, and have separate means of access, and approaches thereto separated by a substantial close fence not less than seven feet in height. It shall also be the duty of trustees to keep such out buildings in a clean and wholesome condition.

2. The board of education of each union free school district and of a city shall provide and maintain at least two suitable and convenient water-closets or privies for each of the schools under their charge, and in conformity with the provisions of this section.

3. Any expense incurred by the trustees of a common school district in carrying out the requirements of this section shall be a charge upon the district, when such expense shall have been authorized by the school commissioner within whose district the school house is located, and a tax may be levied therefor without a vote of the school district. Any expense incurred by the board of education in carrying out the foregoing provisions shall be a charge upon the district or city and payable out of any of the contingent funds thereof; and a tax may be levied therefor without a vote of the district.

4. A failure on the part of the trustees or a board of education to comply with the provisions of this section shall be sufficient grounds for their removal from office and for withholding from the district or city its share of the public moneys of the state.

§ 458. When board of education may designate site without vote of district. A board of education in a union free school containing a population of five thousand or more may, without a vote of the qualified voters of said district, designate sites or additions thereto for school-houses.

§ 459. Change of site. No site of a school-house shall be changed unless a majority of the legal voters present and voting at a district meeting shall adopt a resolution designating a new site and describing such site by metes and bounds. Such resolution shall be adopted either by ballot or taking and recording the ayes and noes.

§ 460. Site, how designated. The designation of a site by any school district meeting shall be by written resolution containing a description thereof by metes and bounds, and such resolution must receive the assent of a majority of the qualified voters present and voting at said meeting, to be ascertained by taking and recording the ayes and noes, or by ballot.

§ 461. Sale of former school-house or site. 1. Whenever the site of a school-house shall have been changed, as herein provided, the inhabitants of a district entitled to vote, lawfully assembled at any district meeting, shall have power, by a majority of the votes of those present, to direct the sale of the former site or lot, and the buildings thereon and appurtenances or any part thereof, at such price and upon such terms as they shall deem proper; and any deed duly executed by the trustees of such district, or a majority of them, in pursuance of such direction, shall be valid and effectual to pass all the estate or interest of such school district in the premises.

2. When a credit shall be directed to be given upon such sale for the consideration money, or any part thereof, the trustees are hereby authorized to take in their corporate name such security by bond and mortgage, or otherwise, for the payment thereof, as they shall deem best, and shall hold the same as a corporation, and account therefor to their successors in office and to the district, in the manner they are now required by law to account for moneys received by them; and the trustees of any such district

and their successors may, in their name of office, sue for and recover the moneys due and unpaid upon any security so taken by them or their predecessors.

§ 462. Application of proceeds of sale. All moneys arising from any sale made in pursuance of the last preceding section, shall be applied to the expenses incurred in procuring a new site, and in removing or erecting thereon a school-house, and improving and furnishing such site and house, and their appurtenances, so far as such application shall be necessary; and the surplus, if any, shall be devoted to the purchase of school apparatus and the support of the school, as the voters of the district at any meeting shall direct.

§ 463. Acquisition of real property. Real property may be acquired for school purposes in any school district and in any city except a city of the first or second class as follows:

1. By gift, grant, devise or purchase.

2. By condemnation, if an agreement cannot be made with the owner for the purchase thereof. Such proceedings shall be instituted and conducted by the trustee or board of education, in the name of the district under the provisions of the condemnation law.

3. This section does not permit the acquisition by condemnation of less than the whole of a city or village lot with the erections and improvements thereon.

§ 464. When owner's consent necessary. The following property cannot be acquired without the consent of the owner:

1. A homestead occupied as such by the owner.

2. A garden, orchard, or any part thereof, not within a city.

3. A yard or inclosure, or any part thereof, necessary to the use or enjoyment of buildings.

4. Fixtures or erections for the purposes of trade or manufacture.

§ 465. Vesting of title of lands in certain cases. Boards of education in cities of the third class are hereby clothed with all the powers of trustees, and the title to any and all lands acquired in any city under the provisions of section four hundred and sixty-three of this chapter shall vest in the board of education thereof, or such other corporate body as is by law vested with the title to the school lands in such city. But nothing herein contained shall be construed to limit or circumscribe the powers and duties heretofore lodged in such board of education by law.

§ 466. Application to certain districts. The provision of section four hundred and sixty-three of this article shall apply to union free school districts and to districts organized under special laws; and the trustees of such districts and the boards of education organized under special laws shall be and are hereby clothed with all the powers vested in trustees in the three preceding sections.

§ 467. School taxes and school bonds. 1. A majority of the voters of any school district, present at any annual or special district meeting, duly convened, may authorize such acts and vote such taxes as they shall deem expedient for making additions, alterations, repairs or improvements to the sites or buildings belonging to the district, or for the purchase of other sites or buildings or for a change of sites or for the erection of new buildings, or for buying apparatus, or fixtures, or for paying the wages of teachers and the necessary expenses of the school, or for such other purpose relating to the support and welfare of the school as they may, by resolution, approve.

2. On all propositions arising at said meetings involving the expenditure of money, or authorizing the levy of a tax in one sum or by instalments, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such meetings; and they may direct the moneys so voted to be levied in one sum, or by instalments.

3. No addition to or change of site or purchase of a new site or tax for the purchase of any new site or structure, or for the purchase of an addition to the site of any school-house, or for building any new school-house or for the erection of an addition to any school-house already built, shall be voted at any such meeting in a union free school district unless a notice by the board of education stating that such tax will be proposed, and specifying the object thereof and the amount to be expended therefor, shall have been given in the manner provided herein for the notice of an annual meeting. In a common school district the notice of a special meeting to authorize any of the improvements enumerated in this section shall be given as provided in section one hundred and ninety-seven.

4. And whenever a tax for any of the objects hereinbefore specified shall be legally voted the board of trustees or board

of education shall make out their tax list, and attach their warrant thereto, in the manner provided in article fifteen of this chapter, for the collection of school district taxes, and shall cause such taxes or such instalments to be collected at such times as they shall become due.

5. No vote to raise money shall be rescinded, nor the amount thereof be reduced at any subsequent meeting, unless it be an adjourned meeting or a meeting called by regular and legal notice, which shall specify the proposed action, and at which the vote upon said proposed reduction or rescinding shall be taken by ballot or by taking and recording the ayes and noes of the qualified voters attending and voting thereat.

ARTICLE 17

School District Bonds

§ 480. Issuance of school district bonds. 1. For the purpose of giving effect to the provisions of section four hundred and sixty-seven of this chapter, trustees or boards of education are hereby authorized, whenever a tax shall have been voted to be collected in instalments for the purpose of building a new school-house or building an addition to a school-house, or making additions, alterations or improvements to buildings or structures belonging to the district or city, or for the purchase of a new site or for an addition to a site, to borrow so much of the sum voted as may be necessary at a rate of interest not exceeding six per centum, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district, and be paid at maturity, and which shall not be sold below par.

2. Notice of the time and place of the sale of such bonds shall be given by the trustees or board of education at least ten days prior thereto by publication twice in two newspapers, if there be two, or in one newspaper if there be but one published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least ten of the most public places in said district ten days before the sale.

3. It shall be the duty of the trustees or the persons having charge of the issue or payment of such indebtedness, to transmit a statement thereof to the clerk of the board of supervisors of the county in which such indebtedness is created, annually, on or before the first day of November.

4. When such bonds are sold by a union free school district whose boundaries are the same as the boundaries of an incorporated village or city, such bonds shall be signed by the president and clerk of the board of education and delivered to the treasurer of such village or city who shall countersign them and give notice of the sale thereof in like manner as is provided for the notice of sale of bonds in subdivision two of this section. The proceeds of the sale of such bonds shall be paid into the treasury of said incorporated village or city, to the credit of the board of education.

5. When such bonds are sold by a common school district the payment or collection of the last instalment shall not be extended beyond twenty years from the time such vote was taken.

ARTICLE 18

School Moneys

Section 490. When apportioned and how applied.
491. Apportionment of moneys appropriated for the support of common schools.
492. Conditions under which cities and districts are entitled to an apportionment from the appropriation for the support of common schools.
493. Apportionment of moneys appropriated to cities, academies, academic departments and school libraries.
494. Manner of certifying and paying apportionment provided for in preceding section.
495. County treasurers to render annual report.
496. Certificate of apportionment by commissioner of education.
497. Moneys apportioned, when payable.
498. Apportionment of school moneys by school commissioners.
499. Duty of and payment to supervisor.
500. Power of comptroller to withhold payment of school moneys.
501. Union free school district and city, a school district.
502. Apportionment for support of training classes.

§ 490. When apportioned and how applied. The amount annually appropriated by the legislature for the support

of common schools shall be apportioned by the commissioner of education on or before the twentieth day of January in each year as hereinafter provided; and all moneys so apportioned shall be applied exclusively to the payment of teachers' salaries.

§ 491. Apportionment of moneys appropriated for the support of common schools. After setting apart therefrom for a contingent fund not more than ten thousand dollars, the commissioner of education shall apportion the money appropriated for the support of common schools:

1. To each city and to each union school district which has a population of five thousand and which employs a superintendent of schools, eight hundred dollars. This shall be known as a supervision quota.

2. To each district having an assessed valuation of twenty thousand dollars or less, two hundred dollars.

3. To each district having an assessed valuation of forty thousand dollars or less, but exceeding twenty thousand dollars, one hundred and seventy-five dollars.

4. To each district having an assessed valuation of sixty thousand dollars or less, but exceeding forty thousand dollars, and to each Indian reservation for each teacher employed therein for a period of one hundred and sixty days or more, one hundred fifty dollars.

5. To each of the orphan asylums which meet the conditions mentioned in article thirty-five of this chapter, one hundred and twenty-five dollars.

6. To each of the remaining districts and to each of the cities in the state one hundred twenty-five dollars. The apportionment provided for by subdivisions two, three, four, five and six shall be known as district quotas.

7. To each such district, city and orphan asylum for each additional qualified teacher and his successors by whom the common schools have been taught during the period of time required by law, one hundred dollars. The apportionment provided for by this subdivision shall be known as the teacher's quota.

8. To a school district which has failed to maintain school for one hundred sixty days or which has employed an extra teacher for a shorter period than one hundred sixty days such part of a district or teacher's quota as seems to him equitable when the reason for such failure is in his judgment sufficient to warrant such action.

9. To each separate neighborhood such sum as in his opinion it is equitably entitled to receive upon the basis of distribution established by this article.

10. All errors or omissions in the apportionment whether made by the commissioner of education or by the school commissioner shall be corrected by the commissioner of education. Whenever a school district has been apportioned less money than that to which it is entitled the commissioner of education may allot to such district the balance to which it is in his judgment entitled and the same shall be paid from the contingent fund. Whenever a school district has been apportioned more money than that to which it is entitled the commissioner of education may, by an order under his hand, direct such moneys to be paid back into the hands of the county treasurer by him to be credited to the school fund, or he may deduct such amount from the next apportionment to be made to said district.

11. The commissioner of education may also in his discretion excuse the default of a trustee or a board of education in employing a teacher not legally qualified, legalize the time so taught and authorize the payment of the salary of such teacher.

§ 492. Conditions under which cities and districts are entitled to an apportionment from the appropriation for the support of common schools. 1. The commissioner of education shall make no allotment of a supervision quota to any city or district unless satisfied that such city or district employs a competent superintendent whose time is exclusively devoted to the supervision of the public schools of such city or district; nor shall he make any allotment to any district in the first instance without first causing an enumeration of the inhabitants to be made which shall show the population thereof to be at least five thousand, the expense of such enumeration, as certified by said commissioner, shall be paid by the district in whose interest it is made. The population shown by the last state or federal census or village enumeration may be accepted by said commissioner whenever the village and school district boundaries coincide.

2. No district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustee for the preceding school year shall show that a common school was supported in the district and taught by a qualified teacher or by successive qualified teachers for at least one hundred and sixty

days, inclusive of legal holidays that may have occurred during the term of said school and exclusive of Saturdays.

4. No Saturday shall be counted as part of said one hundred sixty days of school and no school shall be in session on a legal holiday, except general election day, Columbus day, Washington's birthday and Lincoln's birthday. A deficiency not exceeding three weeks during any school year caused by a teacher's attendance upon a teacher's institute within a county, shall be excused by the commissioner of education.

§ 493. Apportionment of moneys appropriated to cities, academies, academic departments and school libraries. The commissioner of education shall apportion the money annually appropriated for the support of cities, academies, academic departments and school libraries in accordance with regulations established or to be established by him as follows:

1. To each city, union school district and nonsectarian academy maintaining an academic department, a quota of one hundred dollars for each such academic department maintained therein. This apportionment shall be known as the academic quota.

2. To each *monsectarian private academy an allowance equal to the amount raised from local sources but not to exceed two hundred fifty dollars annually for approved books, standard pictures and apparatus.

3. To each city an allowance equal to the amount raised from local sources but not to exceed eighteen dollars and two dollars additional for each duly licensed teacher employed therein for the legal term, and two hundred fifty dollars for each academic department maintained by it for approved books, standard pictures and apparatus.

4. To each union free school district maintaining an academic department an allowance equal to the amount raised from local sources, but not to exceed two hundred sixty-eight dollars annually and two dollars additional for each teacher employed in said district for the legal term for approved books, standard pictures and apparatus.

5. To all other school districts an allowance equal to the amount raised from local sources but not to exceed eighteen dollars annually and two dollars additional for each duly licensed teacher employed in said district for the legal term for approved books, geographical maps and a globe.

* So in original.

6. To each city and union school district maintaining an academic department, twenty dollars per year for at least thirty-two weeks' instruction or a proportionate amount if for eight weeks or more for each nonresident pupil attending the academic department of such school from districts not maintaining such academic departments and who shall be admitted to such academic department without other expense for tuition than that provided herein. But pupils residing in districts not maintaining a four-year curriculum may be included in this apportionment after having completed the course of study prescribed for the school in the district in which they reside. In the apportionment to cities whose customary charge for non-resident pupils is greater than the sum provided by this subdivision, the commissioner of education may permit the sum so apportioned to be applied upon such customary charge for such non-resident pupils, provided the balance of such customary charge shall be assumed by the school district in which such non-resident pupil is resident, and the payment thereof shall have been provided for at a school district meeting held in such district.

7. After the payment of the allowances herein provided for the balance shall be divided among the several cities, school districts and academies maintaining academic departments on the basis of aggregate days' attendance of academic pupils therein.

8. The commissioner shall set aside at the beginning of the fiscal year a sum which in his opinion will be sufficient to pay the allowances for books and apparatus herein provided before making the other apportionments as directed by this article. The allowance for books and apparatus shall be apportioned and paid as often during each year as the commissioner may determine. All other apportionments above provided for shall be made so far as possible during the month of October each year on the basis of the reports of the previous year.

9. To entitle a city, academy, academic department or school library to an apportionment from this fund the school authorities having control must render a satisfactory report for the preceding year to the commissioner of education before the twentieth day of September in each year unless such neglect is excused by the commissioner for sufficient reason. They must also have complied with all regents' laws and ordinances during the preceding academic year.

§ 494. Manner of certifying and paying apportionment provided for in preceding section. Payment from this fund shall be made to the county treasurer of each county for all schools located in such county, by the state treasurer on the warrant of the comptroller or the certificate of the commissioner of education.

The commissioner of education immediately after making an apportionment shall certify to the county treasurer of every county included in such apportionment, excepting those counties included within the territory of the city of New York, with respect to his county, the name of each academy, the number of each school district and the town in which it is situated and the name of each city to which money has been allotted and the amount allotted to each. The county treasurer shall, upon the receipt of such certificate and payment from the state treasurer, pay to the treasurer, if there be one, otherwise to the disbursing officer or collector of each school district, academy and city named in the certificate of the commissioner of education, the amount to which said district, academy or city is entitled as shown by such certificate.

Any apportionment which shall be made to the city of New York shall be certified and paid to the chamberlain of the city of New York, and any apportionment which shall be made to any private academy situated within the territory of the city of New York, shall be certified and paid directly to the disbursing officer of the academy to which the apportionment is made.

§ 495. County treasurers to render annual report. The county treasurers of the state shall, upon the first day of October of each year and at such other times as the commissioner of education may require, make a report for the preceding year to the commissioner of education, showing the amount of money received by them from this fund and the school districts, cities or academies to which such money has been paid and the amount paid to each, and the amount, if any, remaining in their hands unclaimed by any school district, city or academy together with any other fact relative to the disbursement of this fund which said commissioner may require.

§ 496. Certificate of apportionment by commissioner of education. As soon as possible after the making of any annual or general apportionment, the commissioner of education shall certify it to the county clerk, county treasurer,

school commissioners and city treasurer or chamberlain, in every county in the state; and if it be a supplemental apportionment, then to the county clerk, county treasurer and school commissioners of the county in which the school-house of the district concerned is situated.

§ 497. Moneys apportioned, when payable. At least one-half of the moneys so annually apportioned by the commissioner of education shall be payable on or before the first day of March and the remaining part of such moneys on or before the fifteenth day of May, in each year, next after such apportionment, to the treasurers of the several counties and the chamberlain of the city of New York, respectively; and the said treasurers and the chamberlain shall apply for and receive the same as soon as payable.

§ 498. Apportionment of school moneys by school commissioners. The school commissioner or commissioners of each county shall proceed at the county seat on or before the fifteenth day of February in each year, and apportion the supervision, district and teachers' quotas to the several districts entitled thereto as shown by the certificate of the commissioner of education to the school commissioner.

*There shall procure from the treasurer of the county a transcript of the returns of the supervisors hereinafter required, showing the unexpended moneys in their hands applicable to the payment of teachers' salaries. The amounts in each supervisor's hands shall be charged as a partial payment of the sums apportioned to the town teachers' salaries.

They shall procure from the county treasurer a full list and statement of all payments to him of moneys for or on account of fines and penalties, or accruing from any other source, for the benefit of schools and of the towns or districts for whose benefit the same were received. Such of said moneys as belong to a particular district, they shall set apart and credit to it; and such as belong to the schools of a town, they shall set apart and credit to the schools in that town, and shall apportion them together with such as belong to the schools of the county as hereinafter provided for the payment of teachers' salaries.

They shall sign, in duplicate, a certificate, showing the amounts apportioned and set apart to each school district and part of a district, and the towns in which they were situated, and shall

* So in original.

forthwith deliver one of said duplicates to the treasurer of the county and transmit the other to the commissioner of education.

They shall certify to the supervisor of each town the amount of school moneys apportioned to each district or part of a district of his town for teachers' wages.

§ 499. Duty of and payment to supervisor. On receiving the certificate of the school commissioners, each supervisor shall forthwith make a copy thereof for his own use, and deposit the original in the office of the clerk of his town; and the moneys so apportioned to his town shall be paid to him immediately on his compliance with the requirements of section three hundred and sixty-three of this chapter.

§ 500. Power of comptroller to withhold payment of school moneys. The comptroller may withhold the payment of any moneys to which any county may be entitled from the appropriation of the incomes of the school fund and the United States deposit fund for the support of common schools, until satisfactory evidence shall be furnished to him that all moneys required by law to be raised by taxation upon such county, for the support of schools throughout the state, have been collected and paid or accounted for to the state treasurer.

§ 501. Union free school district and city, a school district. Every union free school district and every city having an organized city system of schools shall, for all the purposes of the apportionment, distribution, payment and withholding of school moneys, be regarded and recognized as a school district.

§ 502. Apportionment for support of training classes. The commissioner of education shall apportion the money annually appropriated for the support of training of teachers as follows:

1. To each academy and union free school district which has maintained a training class in accordance with the provisions of article thirty-one of this chapter and with the regulations prescribed by the commissioner of education, the sum of seven hundred dollars.

2. The balance of the money appropriated for such purpose shall be apportioned to the cities of the state which maintain training schools in accordance with the provisions of articles twenty and thirty-one of this chapter and with the regulations prescribed by the commissioner of education, ratably according to the aggregate attendance of the pupils regularly admitted to such training schools.

ARTICLE 19

Trusts for Schools; Gospel and School Lots

Section 520. Property to be held in trust for common schools.
521. Control and supervision of trusts for common schools.
522. Report of trusts to commissioner of education.
523. Report of supervisor regarding gospel or school lots.
524. Apportionment of gospel funds.
525. Authorization of apportionment of gospel funds.
526. Payment of apportionment of gospel funds.
527. Bond required of collector or treasurer.
528. Application of moneys.

§ 520. Property to be held in trust for common schools. Real and personal estate may be granted, conveyed, devised, bequeathed and given in trust and in perpetuity or otherwise, to the state, or to the regents or to the commissioner of education for the support or benefit of the common schools, within the state, or within any part or portion of it, or of any particular common schools within it; and to any county, or the school commissioners of any county, or to any city or any board of officers thereof, or to any school commissioner district or its commissioner, or to any town, or supervisor of a town, or to any school district or its trustees, for the support and benefit of common schools within such county, city, school commissioner district, town or school district, or within any part or portion thereof respectively, or for the support and benefit of any particular common schools therein. No such grant, conveyance, devise or bequest shall be held void for the want of a named or competent trustee or donee, but where no trustee or donee, or an incompetent one is named, the title and trust shall vest in the people of the state, subject to its acceptance by the legislature, but such acceptance shall be presumed.

§ 521. Control and supervision of trusts for common schools. The legislature may control and regulate the execution of all such trusts; and the commissioner of education shall supervise and advise the trustees, and hold them to a regular accounting for the trust property and its income and interest at such times, in such forms, and with such authentications, as he shall, from time to time, prescribe.

§ 522. Report of trusts to commissioner of education. The common council of every city, the board of supervisors of every county, the trustees of every village, the supervisor of every town, the trustees of every school district, and every other officer or person who shall be thereto required by the commissioner of education shall report to him whether any, and if any, what trusts are held by them respectively, or by any other body, officer or person to their information or belief for school purposes, and shall transmit, therewith, an authenticated copy of every will, conveyance, instrument or paper embodying or creating the trust; and shall, in like manner, forthwith report to him the creation and terms of every such trust subsequently created.

§ 523. Report of supervisor regarding gospel or school lots. Every supervisor of a town shall report to the commissioner of education whether there be, within the town, any gospel or school lot, and, if any, shall describe the same, and state to what use, if any, it is put by the town; and whether it be leased, and, if so, to whom, for what term and upon what rents; and whether the town holds or is entitled to any land, moneys or securities arising from any sale of such gospel or school lot, and the investment of the proceeds thereof, or of the rents and income of such lots and investments, and shall report a full statement and account of such lands, moneys and securities.

§ 524. Apportionment of gospel funds. It shall be lawful for the supervisor of any town having money arising from the sale of gospel lands, and known as gospel funds, to apportion such funds among the several school districts of his respective town as hereinafter provided.

§ 525. Authorization of apportionment of gospel funds. 1. The town board of any town having a gospel fund of five hundred dollars or less may authorize the supervisor of the town to apportion such fund among the several school districts of the town.

2. The voters of any town having a gospel fund of more than five hundred dollars may at any regular or special town meeting authorize the supervisor of the town to apportion such fund among the several school districts of the town.

§ 526. Payment of apportionment of gospel funds. When such apportionment is authorized the supervisor shall pay to the collector, or if the district has a treasurer to the treasurer, of the several school districts of his town its pro rata share according

to the aggregate school attendance of each school district in the preceding year.

§ 527. Bond required of collector or treasurer. The collector or the treasurer if the district has a treasurer, of each of such school districts shall execute and file with the supervisor of such town a bond of twice the amount of such apportionment with sufficient sureties, to be approved by such supervisor.

§ 528. Application of moneys. Such moneys shall be held by such collector or treasurer and paid upon the written order of the trustee of the district for such purposes as the annual or a special meeting of the district shall direct.

ARTICLE 20

Teachers and Pupils

Section 550. Qualification of teachers.
551. Minimum qualifications of teachers in primary and grammar schools.
552. Regulations governing certification of teachers.
553. Commissioner of education to issue certificates.
554. Endorsement of foreign certificates and diplomas.
555. Certification of teachers by local authorities.
556. Revocation of certificate by school commissioner.
557. Unqualified teachers shall not be paid from school moneys.
558. Penalty for payment of unqualified teacher.
559. Teachers responsible for record books.
560. Verification of school register.
561. Contract with teacher.
562. Penalty for teachers' failure to complete contract.
563. Contract when teacher is related to trustee or member of board.
564. Individual liability of trustee.
565. Dismissal of teacher.
566. Teacher's salary payable as often as monthly.
567. Common schools free to resident pupils; tuition from nonresident pupils.

§ 550. Qualification of teachers. No person shall be employed or authorized to teach in the public schools of the state who is:

1. Under the age of eighteen years; and,

2. Not in possession of a teacher's certificate issued under the authority of this chapter or a diploma issued on the completion of a course in a state normal school of this state or in the state normal college.

§ 551. Minimum qualifications of teachers in primary and grammar schools. No person shall hereafter be employed or licensed to teach in the primary and grammar schools of any city or school district authorized by law to employ a superintendent of schools who has not had successful experience in teaching for at least three years, or in lieu thereof has not completed:

1. A course in one of the state normal schools of this state prescribed by the commissioner of education.

2. An examination for and received a life state certificate issued in this state by a superintendent of public instruction or the commissioner of education.

3. A course of study in a high school or academy of not less than three years approved by the commissioner of education or from some institution of learning of equal or higher rank approved by the same authority, and who subsequently to the completion of such course has not graduated from a school for the professional training of teachers having a course of not less than two years approved by the commissioner of education or its equivalent.

§ 552. Regulations governing certification of teachers. The commissioner of education shall prescribe, subject to approval by the regents, regulations governing the examination and certification of teachers employed in all public schools of the state.

§ 553. Commissioner of education to issue certificates. The commissioner of education may issue:

1. A life state certificate upon examinations only which shall entitle its holder to teach for life in the public schools of the state without further examination.

2. Such other certificates as regents general rules shall prescribe.

3. A temporary license limited to a school district, school commissioner district or city for a period not to exceed one year.

§ 554. Endorsement of foreign certificates and diplomas. The commissioner of education may in his discretion endorse:

1. A diploma issued by a normal school of another state.

2. A certificate issued by the chief educational officer or state board of another state.

Such endorsement confers on the holder of such diploma or certificate the privileges conferred by law on the holder of a normal school diploma or state certificate issued in this state.

§ 555. Certification of teachers by local authorities. A school commissioner, a city superintendent of schools or such other authority of a city as may be designated by a special act or the city charter may issue such certificate as may be authorized by the regents general rules or by such special act or city charter.

§ 556. Revocation of certificate by school commissioner. A school commissioner shall examine any charge affecting the moral character of any teacher within his district, first giving such teacher reasonable notice of the charge, and an opportunity to defend himself therefrom; and if he find the charge sustained, he shall annul the teacher's certificate, by whomsoever granted, and declare him unfit to teach; and if the teacher holds a certificate of the commissioner of education or of a former superintendent of public instruction or a diploma of a state normal school, he shall notify the commissioner of education forthwith of such annulment and declaration.

§ 557. Unqualified teachers shall not be paid from school moneys. No part of the school moneys apportioned to a district shall be applied to the payment of the salary of an unqualified teacher, nor shall his salary, or any part thereof, be collected by a district tax except as provided in section four hundred and ninety-one of this chapter.

§ 558. Penalty for payment of unqualified teacher. Any trustee who applies, or directs, or consents to the application of any district money to the payment of an unqualified teacher's salary, thereby commits a misdemeanor; and any fine imposed upon him therefor shall be for the benefit of the common schools of the district.

§ 559. Teachers responsible for record books. Teachers shall keep, prepare and enter in the books provided for that purpose, the school lists and accounts of attendance herein mentioned, and shall be responsible for their safekeeping and delivery to the clerk of the district at the close of their engagements or terms.

§ 560. Verification of school register. 1. Each teacher shall, by his oath or affirmation, verify his entries in the school register provided by the education department, and the entries shall constitute the school lists from which the average daily attendance shall be determined. Such oath or affirmation may be taken by the district clerk or trustee, but without charge.

2. A teacher shall not be entitled to his salary for the last month of a term until he shall have so made and verified such entries and the trustees shall not draw on the supervisor, collector or treasurer for any portion of his salary for such month until such oath or affirmation shall have been made.

§ 561. Contract with teacher. 1. All trustees of school districts or boards of education who shall employ any teacher to teach shall, at the time of such employment, make and deliver to such teacher, or cause to be made and delivered, a contract in writing, signed by them, or by some person duly authorized to represent them in the premises, in which the details of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time when such compensation shall be due and payable shall be clearly and definitely set forth.

2. No contract for the employment of a teacher in a district having three or more trustees shall be made for more than one year in advance or for a shorter time than ten weeks unless for the purpose of filling out an unexpired term of school.

3. No contract for the employment of a teacher in a district having a sole trustee shall be made to extend beyond the date of the expiration of the term of office of such trustee. A sole trustee of a school district shall have full power and authority to contract with teachers for the term for which he has been elected any time after the date of the annual meeting at which such trustee was elected.

4. Nor shall any trustees contract with any teacher whose certificate of qualification shall not cover a period at least as long as that covered by the contract of service. [Thus amended by L. 1910, chap. 442, in effect September 1, 1910.]

§ 562. Penalty for teacher's failure to complete contract. Any failure on the part of a teacher to complete an agreement to teach a term of school without good reason therefor shall be deemed sufficient ground for the revocation of the teacher's certificate.

§ 563. Contract when teacher is related to trustee or member of board. 1. No person who is related to any trustee by blood or marriage shall be employed as a teacher, except with the approval of two-thirds of the voters of such district present and voting upon the question at an annual or special meeting of the district.

2. No person who is related by blood or marriage to any member of a board of education shall be employed as a teacher by such board, except upon the consent of two-thirds of the members thereof to be determined at a board meeting and to be entered upon the proceedings of the board.

§ 564. Individual liability of trustee. Any person employed in disregard of section five hundred and sixty-one or of section five hundred and sixty-three shall have no claim for wages against the district, but may enforce the specific contract made against the trustees or board of education consenting to such employment as individuals.

§ 565. Dismissal of teacher. No teacher shall be removed during a term of employment unless for neglect of duty, incapacity to teach, immoral conduct, or other reason which, when appealed to the commissioner of education, shall be held by him sufficient cause for such dismissal.

§ 566. Teacher's salary payable as often as monthly. The salary of any teacher employed in the public schools of this state shall be due and payable at least as often as at the end of each calendar month of the term of employment.

§ 567. Common schools free to resident pupils; tuition from nonresident pupils. 1. A person over five and under twenty-one years of age is entitled to attend the public schools maintained in the district or city in which such person resides without the payment of tuition.

2. Nonresidents of a district, if otherwise competent, may be admitted into the school of a district or city, upon the consent of the trustees, or the board of education, upon terms prescribed by such trustees or board.

3. The school authorities of a district or city must deduct from the tuition of a nonresident pupil whose parent or guardian owns property in such district or city and pays a tax thereon for the support of the schools maintained in such district or city the amount of such tax.

ARTICLE 21

Contract System

Section 580. District meeting to authorize contract system.
581. District or city with which such contract may be made.
582. Trustees or boards of education may contract to receive such children.
583. Form of contract.
584. Validity of contract.
585. Apportionment to contracting district.
586. Report of pupils from other districts.

§ 580. District meeting to authorize contract system. Any school district may decide by a majority vote of the qualified voters present and voting at any district meeting:

1. To contract for the education of all the children of such district in another district or in a city instead of maintaining a home school;

2. To contract for the education of part of the children of such district in another district or in a city and maintain a home school.

§ 581. District or city with which such contract may be made. 1. Such contract may be made with one or more districts or cities. The district meeting authorizing such contract may designate the districts or cities with which such contracts may be made.

2. If the district meeting fails to make such designation or if any district or city so designated refuses to make such contract, the trustees of the district authorizing such contract may enter into a contract with a district willing to make such contract.

§ 582. Trustees or boards of education may contract to receive such children. The trustees or board of education of any district or city may enter into a contract to receive and educate in the schools of such district or city the children of any district which shall authorize its trustees to contract for the education of its children as provided by section five hundred and eighty of this chapter.

§ 583. Form of contract. Such contract shall be written and in the form prescribed by the commissioner of education.

§ 584. Validity of contract. Such contract shall not be valid or binding upon either party thereto until a copy thereof is filed with the commissioner of education and approved by such commissioner.

§ 585. Apportionment to contracting district. 1. Whenever the period of time which a district contracts for the education of its children or such period together with the time school is actually taught in said district shall amount to one hundred and sixty days and the contract shall include all the children of school age in such district, such district shall be entitled to receive one district quota.

2. Whenever a district maintains a home school and contracts for the education of at least twelve of its children in another district or city, it shall be entitled to one teacher's quota in addition to its district quota.

3. No school district operating under the contract system shall receive a greater apportionment than the total expense incurred in payment of tuition and transportation of pupils as shown by the report of the trustee to the school commissioner.

§ 586. Report of pupils from other districts. The children attending a school under any such contract shall be reported to the commissioner of education by the trustees or board of education of the district or city wherein such children attend school as though they were residents of such city or school district.

ARTICLE 22

General Industrial Schools, Trade Schools, and Schools of Agriculture, Mechanic Arts and Home Making

Section 600. General industrial schools, trade schools, and schools of agriculture, mechanic arts and home making, may be established in cities.
601. Such schools may be established in union free school districts.
602. Appointment of an advisory board.
603. Authority of the board of education over such schools.
604. State aid for general industrial schools, trade schools, and schools of agriculture, mechanic arts and home making.
605. Application of such moneys.
606. Annual estimate by board of education and appropriations by municipal and school districts.
607. Courses in schools of agriculture for training of teachers.

§ 600. General industrial schools, trade schools and schools of agriculture, mechanic arts and home making, may be established in cities. The board of education of any city, and in a city not having a board of education the officer having the management and supervision of the public school system, may establish, acquire, conduct and maintain as a part of the public school system of such city the following:

1. General industrial schools open to pupils who have completed the elementary school course or who have attained the age of fourteen years, and;

2. Trade schools open to pupils who have attained the age of sixteen years and have completed either the elementary school course or a course in the above mentioned general industrial school or who have met such other requirements as the local school authorities may have prescribed.

3. Schools of agriculture, mechanic arts and home making, open to pupils who have completed the elementary school course or who have attained the age of fourteen, or who have met such other requirements as the local school authorities may have prescribed.

§ 601. Such schools may be established in union free school districts. The board of education of any union free school district shall also establish, acquire and maintain such schools for like purposes whenever such schools shall be authorized by a district meeting.

§ 602. Appointment of an advisory board. 1. The board of education in a city and the officer having the management and supervision of the public school system in a city not having a board of education shall appoint an advisory board of five members representing the local trades, industries, and occupations. In the first instance two of such members shall be appointed for a term of one year and three of such members shall be appointed for a term of two years. Thereafter as the terms of such members shall expire the vacancies caused thereby shall be filled for a full term of two years. Any other vacancy occurring on such board shall be filled by the appointing power named in this section for the remainder of the unexpired term.

2. It shall be the duty of such advisory board to counsel with and advise the board of education or the officer having the management and supervision of the public school system in a city not having a board of education in relation to the powers and duties

vested in such board or officer by section six hundred and three of this chapter.

§ 603. Authority of the board of education over such schools. The board of education in a city and the officer having the management and supervision of the public school system in a city not having a board of education and the board of education in a union free school district which authorizes the establishment of a general industrial school, a trade school, or a school of agriculture, mechanic arts and home making, is vested with the same power, and authority over the management, supervision and control of such school and the teachers or instructors employed therein as such board or officer now has over the schools and teachers under their charge. Such boards of education or such officer shall also have full power and authority:

1. To employ competent teachers or instructors.
2. To provide proper courses of study.
3. To purchase or acquire sites and grounds and to purchase, acquire, lease or construct and to repair suitable shops or buildings and to properly equip the same.
4. To purchase necessary machinery, tools, apparatus and supplies.

§ 604. State aid for general industrial schools, trade schools, and schools of agriculture, mechanic arts and home making. 1. The commissioner of education in the annual apportionment of the state school moneys shall apportion therefrom to each city and union free school district the sum of five hundred dollars for each independently organized general industrial school, trade school, or a school of agriculture, mechanic arts and home making, maintained therein for thirty-eight weeks during the school year and employing one teacher whose work is devoted exclusively to such school, and having an enrollment of at least twenty-five pupils and maintaining a course of study approved by him.

2. The commissioner of education shall also make an additional apportionment to each city and union free school district of two hundred dollars for each additional teacher employed exclusively in such schools for thirty-eight weeks during the school year.

3. The commissioner of education may in his discretion apportion to a district or city maintaining such schools or employing such teachers for a shorter time than thirty-eight weeks, an

amount pro rata to the time such schools are maintained or such teachers are employed. This section shall not be construed to entitle manual training high schools or other secondary schools maintaining manual training departments, to an apportionment of funds herein provided for.

§ 605. Application of such moneys. All moneys apportioned by the commissioner of education for general industrial or trade schools shall be used exclusively for the support and maintenance of such schools in the city or district to which such moneys are apportioned.

§ 606. Annual estimate by board of education and appropriations by municipal and school districts. 1. The board of education of each city or the officer having the management and supervision of the public school system in a city not having a board of education shall file with the common council of such city, within thirty days after the commencement of the fiscal year of such city, a written itemized estimate of the expenditures necessary for the maintenance of its general industrial schools, trade schools, or schools of agriculture, mechanic arts and home making, and the estimated amount which the city will receive from the state school moneys applicable to the support of such schools. The common council shall give a public hearing to such persons as wish to be heard in reference thereto. The common council shall adopt such estimate and, after deducting therefrom the amount of state moneys applicable to the support of such schools, shall include the balance in the annual tax budget of such city. Such amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at the time and in the manner that other taxes for school purposes are raised. The common council shall have power by a two-thirds vote to reduce or reject any item included in such estimate.

2. The board of education in a union free school district which maintains a general industrial school, trade school, or a school of agriculture, mechanic arts and home making, shall include in its estimate of expenses pursuant to the provisions of sections three hundred and twenty-three and three hundred and twenty-seven of this chapter the amount that will be required to maintain such schools after applying toward the maintenance thereof the amount apportioned therefor by the commissioner of education. Such amount shall thereafter be levied, assessed and raised by

tax upon the taxable property of the district at the time and in the manner that other taxes for school purposes are raised in such district.

§ 607. Courses in schools of agriculture for training of teachers. The state schools of agriculture at Saint Lawrence University, at Alfred University and at Morrisville may give courses for the training of teachers in agriculture, mechanic arts, domestic science or home making, approved by the commissioner of education. Such schools shall be entitled to an apportionment of money as provided in section six hundred and four of this chapter for schools established in union free school districts. Graduates from such approved courses may receive licenses to teach agriculture, mechanic arts and home making in the public schools of the state, subject to such rules and regulations as the commissioner of education may prescribe.

ARTICLE 23

Compulsory Education

Section 620. Instruction required.
621. Required attendance upon instruction.
622. When a boy is required to attend evening school.
623. Instruction elsewhere than at a public school.
624. Duties of persons in *paternal relation to children.
625. Penalty for failure to perform *paternal duty.
626. Unlawful employment of children and penalty therefor.
627. Employer must display record certificate and evening certificate.
628. Punishment for unlawful employment of children.
629. Teachers must keep record of attendance.
630. School record certificate.
631. Evening school certificate.
632. Attendance officers.
633. Arrest of truants.
634. Interference with attendance officers.
635. Truant schools.
636. Enforcement of law and withholding the state moneys by commissioner of education.

§ 620. Instruction required. The instruction required under this article shall be:

*So in original.

1. At a public school in which at least the six common school branches of reading, spelling, writing, arithmetic, English language and geography are taught in English.

2. Elsewhere than a public school upon instruction in the same subjects taught in English by a competent teacher.

§ 621. Required attendance upon instruction. 1. Every child within the compulsory school ages, in proper physical and mental condition to attend school, residing in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall regularly attend upon instruction as follows:

(a) Each child between seven and fourteen years of age shall attend the entire time during which the school attended is in session, which period shall not be less than one hundred and sixty days of actual school.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and to whom an employment certificate has not been duly issued under the provisions of the labor law, shall so attend the entire time during which the school attended is in session.

2. Every such child, residing elsewhere than in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall attend upon instruction as many days annually between the first day of October and the following June as the public school of the district in which such child resides, shall be in session during such period, as follows:

(a) Each child between eight and fourteen years of age.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service.

§ 622. When a boy is required to attend evening school. Every boy between fourteen and sixteen years of age, in a city of the first class or a city of the second class in possession of an employment certificate duly issued under the provisions of the labor law, who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the Regents or the certificate of the completion of an elementary course issued by the education department, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less

than six hours each week, for a period of not less than sixteen weeks or upon a trade school a period of eight hours per week for sixteen weeks in each school or calendar year.

§ 623. Instruction elsewhere than at a public school. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours each day thereof as are required of children of like age at public schools; and no greater total amount of holidays or vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

§ 624. Duties of persons in parental relation to children. Every person in parental relation to a child within the compulsory school ages and in proper physical and mental condition to attend school, shall cause such child to attend upon instruction, as follows:

1. In cities and school districts having a population of five thousand or above, every child between seven and sixteen years of age as required by section six hundred and twenty-one of this act unless an employment certificate shall have been duly issued to such child under the provisions of the labor law and he is regularly employed thereunder.

2. Elsewhere than in a city or school district having a population of five thousand or above, every child between eight and sixteen years of age, unless such child shall have received an employment certificate duly issued under the provisions of the labor law and is regularly employed thereunder in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, or unless such child shall have received the school record certificate issued under section six hundred and thirty of this act and is regularly employed elsewhere than in the factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages.

§ 625. Penalty for failure to perform parental duty. A violation of section six hundred and twenty-four shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, or five days' imprisonment, and for each subsequent offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special session and police magistrates shall, subject to removal as provided in sections fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

§ 626. Unlawful employment of children and penalty therefor. It shall be unlawful for any person, firm or corporation:

1. To *employe any child under fourteen years of age, in any business or service whatever, for any part of the term during which the public schools of the district or city in which the child resides are in session.

2. To employ, elsewhere than in a city of the first class or a city of the second class, in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, any child between fourteen and sixteen years of age who does not at the time of such employment present an employment certificate duly issued under the provisions of the labor law, or to employ any such child in any other capacity who does not at the time of such employment present a school record certificate as provided in section six hundred and thirty of this chapter.

3. To employ any child between fourteen and sixteen years of age in a city of the first class or a city of the second class who does not, at the time of such employment, present an employment certificate, duly issued under the provisions of the labor law.

§ 627. Employer must display record certificate and evening certificate. The employer of any child between fourteen and sixteen years of age in a city of the first class or a city of the second class shall keep and shall display in the place where such child is employed, the employment certificate and also his evening school certificate issued by the school authorities of said city or by an authorized representative of such school authorities, certifying that the said boy is regularly in attendance at an evening school of said city as provided in section six hundred and thirty-one of this chapter.

* So in original.

§ 628. Punishment for unlawful employment of children. Any person, firm, or corporation, or any officer, manager, superintendent or employee acting therefor, who shall employ any child contrary to the provisions of section six hundred and twenty-six hereof, shall be guilty of a misdemeanor, and the punishment therefor shall be for the first offense a fine of not less than twenty dollars nor more than fifty dollars; for a second, and each subsequent offense, a fine of not less than fifty dollars nor more than two hundred dollars.

§ 629. Teachers must keep record of attendance. An accurate record of the attendance of all children between seven and sixteen years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such record shall, at all times, be open to the attendance officers or other person duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors, or other persons, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor.

§ 630. School record certificate. 1. A school record certificate shall contain a statement certifying that a child has regularly attended the public schools, or schools equivalent thereto, or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such school record, and that he is able to read and write simple sentences in the English language, and has received during such period instruction in reading, writing, spelling, English grammar and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions. Such record shall also give the date of birth and residence of the child as shown on the school records, and the name of the child's parents, guardian or custodian.

2. A teacher or superintendent to whom application shall be made for a school record certificate required under the provisions of the labor law shall issue a school record certificate to any child who, after due investigation and examination, may be found to be entitled to the same as follows:

a. In a city of the first class by the principal or chief executive of a school.

b. In all other cities and in school districts having a population of five thousand or more and employing a superintendent of schools, by the superintendent of schools only.

c. In all other school districts by the principal teacher of the school.

d. In each city or school district such certificate shall be furnished on demand to a child entitled thereto or to the board or commissioner of health.

§ 631. Evening school certificate. The school authorities of a city of the first class or a city of the second class, or officers designated by them, are hereby required to issue to a boy lawfully in attendance at an evening school, an evening school certificate at least once in each month during the months said evening school is in session and at the close of the term of said evening school, provided that said boy has been in attendance upon said evening school for not less than six hours each week for such number of weeks as will, when taken in connection with the number of weeks such evening school shall be in session during the remainder of the current or calendar year, make up a total attendance on the part of said boy in said evening school of not less than six hours per week for a period of not less than sixteen weeks or attendance upon a trade school for at least eight hours per week for not less than sixteen weeks. Such certificate shall state fully the period of time which the boy to whom it is issued was in attendance upon such evening school or trade school.

§ 632. Attendance officers. 1. The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this article and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this article within such city or school district.

2. The town board of each town shall appoint, subject to the written approval of the school commissioner of the district, one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which

shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner district such town is situated.

§ 633. Arrest of truants. 1. The attendance officer may arrest without a warrant any child between seven and sixteen years of age who is a truant from instruction upon which he is lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver the child so arrested to a teacher from whom such child is then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment to a truant school as provided in section six hundred and thirty-five.

2. The attendance officer shall promptly report such arrest and the disposition which he makes of such child, to the school authorities of the said city or district where such child is lawfully required to attend upon instruction.

3. A truant officer in the performance of his duties may enter, during business hours, any factory, mercantile or other establishment within the city or school district in which he is appointed and shall be entitled to examine employment certificates or registry of children employed therein on demand.

§ 634. Interference with attendance officer. Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of the children employed or the employment certificate of such children shall be guilty of a misdemeanor.

§ 635. Truant schools. 1. The school authorities of any city or school district may establish schools, or set apart separate rooms in public school buildings, for children between seven and sixteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a truant school; but no person convicted of crimes or misdemeanors, other than truancy, shall be committed thereto.

2. School authorities may provide for the confinement, maintenance and instruction of such truants in such schools; and they, or the superintendent of schools in any city or school district, may,

after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, and with the consent in writing of the persons in parental relation to such child, order such child to attend such school, or to be confined and maintained therein, under such rules and regulations as such authorities may prescribe, for a period not exceeding two years; but in no case shall a child be so confined after he is sixteen years of age.

3. Such authorities may order such a child to be confined and maintained during such period in any private school, orphans' home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon between such authorities and such private school, orphans' home or similar institution.

4. If the person in parental relation to such child shall not consent to either of such orders said person shall be proceeded against in court under section six hundred and twenty-five of this chapter by the school authorities or such officer as they may designate. In case the person in parental relation to such child establishes to the satisfaction of the court that such child is beyond his control such child shall be proceeded against as a disorderly person, and upon conviction thereof, if the child was lawfully required to attend a public school, the child shall be sentenced to be confined and maintained in such truant school for a period not exceeding two years; or if such child was lawfully required to attend upon instruction otherwise than at a public school, the child may be sentenced to be confined and maintained for a period not exceeding two years in such private school, orphans' home or other similar institutions, if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. Such confinement shall be conducted with a view to the improvement and to the restoration, as soon as practicable, of such child to the institution elsewhere, upon which he may be lawfully required to attend.

5. The authorities committing any such child, and in cities and districts having a superintendent of schools such superintendent shall have authority, in his discretion, to parole at any time any truant so committed by them.

6. Every child lawfully suspended from attendance upon instruction for more than one week, shall be required to attend such truant school during the period of such suspension.

7. The school authorities of any city or school district, not having a truant school, may contract with any other city or district having a truant school, for the confinement, maintenance and instruction therein of children whom such school authorities might require to attend a truant school, if there were one in their own city or district.

8. Industrial training shall be furnished in every such truant school.

9. The expense attending the commitment and cost of maintenance of any truant residing in any city, or district, employing a superintendent of schools shall be a charge against such city, or district, and in all other cases shall be a county charge.

§ 636. Enforcement of law and withholding the state moneys by commissioner of education. 1. The commissioner of education shall supervise the enforcement of this law and he may withhold one-half of all public school moneys from any city or district, which, in his judgment, wilfully omits and refuses to enforce the provisions of this article, after due notice, so often and so long as such wilful omission and refusal shall, in his judgment, continue.

2. If the provisions of this article are complied with at any time within one year from the date on which said moneys were withheld, the moneys so withheld shall be paid over by said commissioner of education to such district or city, otherwise forfeited to the state.

ARTICLE 24

School Census

Section 650. School census in cities of the first class.
651. School census in cities not of the first class.
652. School census in school districts.
653. Penalty for withholding information.
654. Payment of expenses.

§ 650. School census in cities of the first class. A permanent census board is hereby established in each city of the first class. Such board shall consist of the mayor, the superintendent of schools, the police commissioner or officer performing duties similar to those of a police commissioner. The mayor shall

be the chairman of such board. Such board shall have power to make such rules and regulations as may be necessary to carry out the provisions of this article. Such board shall have power to appoint a secretary and such clerks and other employees as may be necessary to carry out the provisions of this article and to fix the salaries of the same. Such board shall ascertain through the police force, the residences and employments of all persons between the ages of four and eighteen years residing within such cities and shall report thereon from time to time to the school authorities of such cities. Under the regulations of such board during the month of October, nineteen hundred and nine, it shall be the duty of the police commissioners in the cities of the first class to cause a census of the children of their respective cities to be taken. Thereafter such census shall be amended from day to day by the police, precinct by precinct, as changes of residence occur among the children of such cities within the ages prescribed in this article and as other persons come within the ages prescribed herein and as other persons within such ages shall become residents of such cities, so that said board shall always have on file a complete census of the names and residences of the children between such ages and of the persons in parental relation thereto. It shall be the duty of persons in parental relation to any child residing within the limits of said cities of the first class to report at the police station house of the precinct within which they severally reside, the following information:

1. Two weeks before any child becomes of the compulsory school age, the name of such child, its residence, the name of the person or persons in parental relation thereto, and the name and location of the school to which such child is sent as a pupil.

2. In case a child of compulsory school age is for any cause removed from one school and sent to another school, or sent to work in accordance with the labor law, all the facts in relation thereto.

3. In case the residence of a child is removed from one police precinct to another police precinct, the new residence and the other facts required in the two preceding subdivisions.

4. In case a child between the ages of four and eighteen becomes a resident of one of said cities of the first class for the first time the residence and such other facts as the census board shall require. Such census shall include all persons between the ages of four and eighteen years, the day of the month and the year

of the birth of each of such persons, their respective residences by street and number, the names of their parents or guardians, such information relating to illiteracy and to the enforcement of the law relating to child labor and compulsory education as the school authorities of the state and of such cities shall require and also such further information as such authorities shall require.

§ 651. School census in cities not of the first class. A permanent census board may be established in any city not of the first class, in accordance with the provisions of this article. If a census board shall not be established in such cities, then, during the month of October, nineteen hundred and nine, and in the month of October every fourth year thereafter, the school authorities of every city, not a city of the first class, shall take a census of the children of their respective cities. Such census shall include the information required from the cities of the first class as provided in section six hundred and fifty of this chapter.

§ 652. School census in school districts. The board of trustees of every school district shall annually on the thirtieth day of August cause a census of all children between the ages of five and eighteen years to be taken in their respective school districts. Such census shall include the information required from cities as provided in this article.

§ 653. Penalty for withholding information. A parent, guardian or other person having under his control or charge a child between the ages of four and eighteen years who withholds or refuses to give information in his possession relating to such child and required under this article, or any such parent, guardian or other person who gives false information in relation thereto, shall be liable to and punished by fine not exceeding twenty dollars or by imprisonment not exceeding thirty days.

§ 654. Payment of expenses. The money required for the purpose of carrying this article into effect shall be paid by the cities and school districts respectively, included in the provisions of this article, but, in cities in which a permanent census board as provided under section six hundred and fifty of this chapter is not established and maintained, and in school districts, such moneys shall be paid for the services rendered in the taking of the school census on the certificate of the state commissioner of education that such census has been satisfactorily taken.

ARTICLE 25

Text-Books

Section 670. Power to designate text-books.
671. Requisites for change.
672. Penalty for violation.
673. Free text-books in union free school districts.

§ 670. Power to designate text-books. 1. In the several cities and union free school districts of the state, boards of education or such body or officer as perform the functions of such boards, shall designate text-books to be used in the schools under their charge.

2. In the common school districts in the state the text-books used in the schools therein shall be designated at an annual school meeting by a two-thirds vote of all the legal voters present and voting at such school meeting.

§ 671. Requisites for change. 1. When a text-book shall have been designated for use in a union free school district or city as provided in subdivision one of the preceding section, it shall not be lawful to supersede such text-book by any other book within a period of five years from the time of such designation except upon a three-fourths vote of the board of education, or of such body or officer as performs the function of such board.

2. When a text-book shall have been designated in any common school district as provided in subdivision two of the preceding section it shall not be lawful to supersede such text-book except upon a three-fourths vote of the legal voters present and voting upon such proposition at an annual meeting of such district.

§ 672. Penalty for violation. Any person violating any of the provisions of this article shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars for every such violation, to be sued for by any taxpayer of the school district, and recovered before any justice of the peace and when collected, to be paid to the collector or treasurer for the benefit of said school district.

§ 673. Free text-books in union free school districts. 1. The qualified voters of any union free school district present at any annual school meeting or at any special school meeting duly and legally called for that purpose, shall have power, by a majority vote, to be ascertained by taking and recording the ayes and noes, to vote a tax for the purchase of all text-books used, or to be used, in the schools of the district.

2. If such tax shall be voted it shall be the duty of the board of education of such district, within ninety days thereafter, to purchase and furnish free text-books to all the pupils attending the schools in such district. Such board of education shall have power to establish such rules and regulations concerning the use by the pupils of such text-books, and the care, preservation and custody thereof as it shall deem necessary.

ARTICLE 26

Physiology and Hygiene

Section 690. Instruction regarding nature of alcoholic drinks.
691. Enforcement of last section.

§ 690. Instruction regarding nature of alcoholic drinks. 1. The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene, as thoroughly as are other branches in all schools under state control, or supported wholly or in part by public money of the state, and also in all schools connected with reformatory institutions.

2. All pupils in the above-mentioned schools below the second year of the high school and above the third year of school work computing from the beginning of the lowest primary, not kindergarten, year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year with suitable text-books in the hands of all pupils, for not less than three lessons a week for ten or more weeks, or the equivalent of the same in each year, and must pass satisfactory tests in this as in other studies before promotion to the next succeeding year's work; except that, where there are nine or more school years below the high school, the study may be omitted in all years above the eighth year and below the high school, by such pupils as have passed the required tests of the eighth year.

3. In all schools above-mentioned, all pupils in the lowest three primary, not kindergarten, school years or in corresponding classes in ungraded schools shall each year be instructed in this subject orally for not less than two lessons a week for ten weeks, or the equivalent of the same in each year, by teachers using text-books adapted for such oral instruction as a guide and standard, and such pupils must pass such tests in this as may be required in other studies before promotion to the next succeeding year's work.

Nothing in this article shall be construed as prohibiting or requiring the teaching of this subject in kindergarten schools.

4. The local school authorities shall provide needed facilities and definite time and place for this branch in the regular courses of study.

5. The text-books in the pupils' hands shall be graded to the capacities of fourth year, intermediate, grammar and high school pupils, or to corresponding classes in ungraded schools. For students below high school grade, such text-books shall give at least one-fifth their space, and for students of high school grade, shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics. This subject must be treated in the text-books in connection with the various divisions of physiology and hygiene, and pages on this subject in a separate chapter at the end of the books shall not be counted in determining the minimum. No text-book on physiology not conforming to this article shall be used in the public schools.

6. All regents' examinations in physiology and hygiene shall include a due proportion of questions on the nature of alcoholic drinks and other narcotics, and their effects on the human system.

§ 691. Enforcement of last section. 1. In all normal schools, teachers' training classes and teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in the subject and the best methods of teaching it. On satisfactory evidence that any teacher has wilfully refused to teach this subject, as provided in this article, the commissioner of education shall revoke the license of such teacher.

2. No public money of the state shall be apportioned by the commissioner of education or paid for the benefit of any city until the superintendent of schools therein shall have filed with the treasurer or chamberlain of such city an affidavit, and with the commissioner of education a duplicate of such affidavit, that he has made thorough investigation as to the facts, and that to the best of his knowledge, information and belief, all the provisions of this article have been complied with in all the schools under his supervision in such city during the last preceding legal school year.

3. Nor shall any public money of the state be apportioned by the commissioner of education or by school commissioners, or

paid for the benefit of any school district, until the president of the board of trustees, or in the case of common school districts the trustee or some one member of the board of trustees, shall have filed with the school commissioner having jurisdiction an affidavit that he has made thorough investigation as to the facts and that to the best of his knowledge, information and belief, all the provisions of this article have been complied with in such district, which affidavit shall be included in the trustees' annual report.

4. It shall be the duty of every school commissioner to file with the commissioner of education an affidavit in connection with his annual report, showing all districts in his jurisdiction that have and those that have not complied with all the provisions of this article, according to the best of his knowledge, information and belief, based upon a thorough investigation by him as to the facts.

5. Nor shall any public money of the state be apportioned or paid for the benefit of any teachers' training class, teachers' institute or other school mentioned herein until the officer having jurisdiction or supervision thereof shall have filed with the commissioner of education an affidavit that he has made thorough investigation as to the facts and that to the best of his knowledge, information and belief, all the provisions of this article relative thereto have been complied with.

6. The principal of each normal school in the state shall at the close of each school year file with the commissioner of education an affidavit that all the provisions of this article applicable thereto have been complied with during the school year just terminated and until such affidavit shall be filed no warrant shall be issued by the commissioner of education for the payment by the treasurer of any part of the money appropriated for such school.

7. It shall be the duty of the commissioner of education to provide blank forms of affidavit required herein for use by the local school officers, and he shall include in his annual report a statement showing every school, city or district which has failed to comply with all the provisions of this article during the preceding school year.

8. On complaint by appeal to the commissioner of education by any patron of the schools mentioned in the last preceding section or by any citizen that any provision of this article has not been complied with in any city or district, the commissioner of

education shall make immediate investigation, and on satisfactory evidence of the truth of such complaint, shall thereupon and thereafter withhold all public money of the state to which such city or district would otherwise be entitled, until all the provisions of this article shall be complied with in said city or district, and shall exercise his power of reclamation and deduction under section four hundred and ninety-one of this chapter.

ARTICLE 27

The Flag

Section 710. Purchase and display of flag.
711. Rules and regulations.
712. Commissioner of education shall prepare program.
713. Military drill excluded.

§ 710. Purchase and display of flag. It shall be the duty of the school authorities of every public school in the several cities and school districts of the state to purchase a United States flag, flag-staff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

§ 711. Rules and regulations. The said school authorities shall establish rules and regulations for the proper custody, care and display of the flag, and when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room in the school-house.

§ 712. Commissioner of education shall prepare program. 1. It shall be the duty of the commissioner of education to prepare, for the use of the public schools of the state, a program providing for a salute to the flag and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools.

2. It shall also be his duty to make special provision for the observance in the public schools of Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law when the legislature makes an appropriation therefor.

§ 713. Military drill excluded. Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours.

ARTICLE 28

Fire Drills

Section 730. Duty to maintain drills.
731. Penalty for neglect.
732. Duty to instruct teachers.
733. Not applicable to colleges or universities.

§ 730. Duty to maintain drills. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than one hundred pupils, or maintained in a building two or more stories high to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month.

§ 731. Penalty for neglect. Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this article shall be a misdemeanor punishable at the discretion of the court by fine not exceeding fifty dollars; such fine to be paid to the pension fund of the local fire department where there is such a fund.

§ 732. Duty to instruct teachers. It shall be the duty of the board of education or school board or other body having control of the schools in any district or city to cause a copy of this article to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use.

§ 733. Not applicable to colleges or universities. The provisions of this article shall not apply to colleges or universities.

ARTICLE 29

Arbor Day

Section 750. Arbor day.
751. Manner of observance.
752. Prescribed course of exercises.

§ 750. Arbor day. The Friday following the first day of May in each year shall be known as Arbor day.

§ 751. Manner of observance. It shall be the duty of the authorities of every public school in this state to assemble the pupils in their charge on that day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the city superintendent or the school commissioner, or other chief officers having the general oversight of the public schools in each city or district, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

§ 752. Prescribed course of exercises. The commissioner of education may prescribe from time to time a course of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on Arbor day. Upon receipt of copies of such course sufficient in number to supply all the schools under their supervision, the school commissioner or city superintendent aforesaid shall promptly provide each of the schools under his charge with a copy, and cause it to be observed.

ARTICLE 30

Teachers' Institute

Section 770. Duties of commissioner of education regarding teachers' institutes.
771. Duties of school commissioners.
772. Schools must be closed.
773. Penalty for failure to attend or to close schools.
774. Teachers must attend; entitled to salaries.
775. Payment of expenses.

§ 770. Duties of commissioner of education regarding teachers' institutes. It shall be the duty of the commissioner of education:

1. To appoint a teachers' institute once in each year in each school commissioner district of the state, for the benefit and instruction of the teachers in the public schools, and of such as intend to become teachers, with special reference to the presentation of subjects relating to the principles of education and methods of instruction in the various branches of study pursued in the schools. After consultation with the school commissioners, the said commissioner of education shall have power to determine the

duration of each institute and to designate the time and place of holding the same.

2. To employ suitable persons, at a reasonable compensation, to supervise and conduct the institutes, and, in his discretion, to provide for such additional instruction as he may deem advisable and for the best interests of the schools.

3. To appoint in his discretion an institute for two or more school commissioner districts.

4. To establish such regulations for the government of institutes as he may deem best; and he may establish such regulations in regard to certificates of qualification or recommendation which may be issued by school commissioners as will, in his judgment, furnish incentives and encouragement to teachers to attend the institutes.

5. To visit the institutes, or cause them to be visited by representatives of the education department, for the purpose of examining into the course and character of instruction given, and of rendering such assistance as he may find expedient.

§ 771. Duties of school commissioners. It shall be the duty of every school commissioner, subject always to the advice and direction of the commissioner of education:

1. To notify all teachers, trustees, boards of education and others known to him who may desire to become teachers under his jurisdiction, of the time when and the place where the institute will be held.

2. To make all necessary arrangements for holding the institute when appointed; see that a suitable room is provided; attend to all necessary details connected therewith; assist the conductor in organization; keep a record of all teachers in attendance and notify the trustees of the number of days attended by the teachers of the various districts, which shall be the basis of pay to such teacher for attendance as hereafter provided.

3. To transmit to the commissioner of education at the close of each institute, in such form, and within such time, as such commissioner shall prescribe, a full report of the institute, including a list of all teachers in attendance, the number of days attended by each teacher, with such other information as may be required.

4. To present a full statement of all expenses incurred by him in carrying on the institute, with vouchers for all expenditures made, accompanying the same by an affidavit of the correctness of statements made and of accounts presented.

§ 772. Schools must be closed. 1. All schools in school districts and parts of school districts within any school commissioner district wherein an institute is held, not included within the boundaries of an incorporated city, except as herein provided, shall be closed during the time such institute shall be in session.

2. The closing of a school within the school commissioner district wherein an institute shall be held, at which a teacher has attended, shall not work a forfeiture of the contract under which such teacher was employed.

3. In all districts having a population of more than five thousand, and employing a superintendent whose time is exclusively devoted to the supervision of the schools therein, the schools may be closed or not at the option of the boards of education in such districts.

§ 773. Penalty for failure to attend or to close schools. Wilful failure on the part of a teacher to attend a teachers' institute as required, shall be sufficient cause for the revocation of such teacher's license, and a wilful failure on the part of trustees to close their schools during the holding of an institute as required, shall be sufficient cause for withholding the public moneys to which such districts would otherwise be entitled.

§ 774. Teachers must attend; entitled to salaries. 1. Any person under contract to teach in a school in any commissioner district, is required to attend an institute if one is held for that district, even though at the time of such institute the school is not in session, and shall be entitled to receive full salary for the actual time in attendance at such institute.

2. The trustees of every school district are hereby directed to give the teachers employed in their district the whole of the time, while an institute for the school commissioner district in which their school is located is in session, for attendance thereat and shall make no deduction whatever from the salaries of such teachers for the time so spent.

§ 775. Payment of expenses. The treasurer shall pay, on the warrant of the comptroller, to the order of any one or more of the school commissioners, such sum of money as the commissioner of education shall certify to be due to them for expenses in holding a teachers' institute; and upon the like warrant and certificate shall pay to the order of any persons employed by the commissioner of education as additional instructors to conduct, instruct, teach or supervise any such teachers' institute.

ARTICLE 31
Training Classes

Section 790. Designation of schools for classes.
791. Regulations for classes.
792. Instruction free.
793. *School commissioners shall supervise and examine classes; teachers' certificates.
794. Teachers' training schools or classes under superintendents of schools.

§ 790. Designation of schools for classes. The commissioner of education shall designate the academies and union free schools in which training classes may be organized to give instruction in the science and practice of common school teaching. Such classes shall be distributed among the academies and high schools of the several school commissioner districts of the state and consideration shall be given to the number of school districts in each and the location and character of the institution designated.

§ 791. Regulations for classes. 1. Every academy and union school so designated shall instruct a training class of not less than ten nor more than twenty-five scholars, and every scholar admitted to such class shall continue under instruction not less than thirty-six weeks.

2. Whenever it shall be shown to the satisfaction of the commissioner of education that any pupil attending such classes has been prevented from attending the same for the full term of thirty-six weeks, or that for any reason satisfactory to such commissioner, said classes have not been held for the full term of thirty-six weeks or have been attended by less than ten members, such commissioner may excuse such default and allow to the trustees of the academy or union free school in which said classes have been instructed an equitable allowance proportionate to the number of pupils and period of instruction.

3. The commissioner shall prescribe the conditions of admission to the classes, the course of instruction and the rules and regulations under which said instruction shall be given.

§ 792. Instruction free. Instruction shall be free to all scholars admitted to such classes, who have continued in them the length of time required by the preceding section.

§ 793. School commissioners shall supervise classes. Each class organized in any academy or union school under appointment by the commissioner of education for the instruction in

* So in original.

the science and practice of common school teaching, shall be subject to the visitation of the school commissioner of the district in which such academy or union school is situated; and it shall be the duty of said school commissioner to advise and assist the principals of said academies or union schools in the organization and management of said classes.

§ 794. Teachers' training schools or classes under superintendents of schools. The board of education or the public school authorities of any city or of any school district having a population of five thousand or more and employing a superintendent of schools, may establish, maintain, direct and control one or more schools or classes for the professional instruction and training of teachers in the principles of education and in the method of instruction for not less than two years.

ARTICLE 32
Normal Schools; State Normal College

Section 810. Normal schools continued.
811. Local boards.
812. Powers of local boards.
813. Bond of treasurer.
814. Salary of secretary and treasurer.
815. Local boards shall have management of buildings and property.
816. Courses of study.
817. Teachers' salaries, et cetera.
818. Commissioner may perform duties of defaulting local board.
819. Diplomas.
820. Requisites for admission; privileges and duties of pupils.
821. Practice departments in Fredonia school.
822. Special policemen.
823. Village or city may insure normal school property.
824. Expense of insurance a village or city charge.
825. Deposit of insurance moneys in bank.
826. Acceptance of grants and bequests authorized.
827. Education of Indian youth.
828. Selection of Indian youth.
829. Age of youth and limit of time for support.
830. Guardians of youth.
831. Indian pupils on equality with others.
832. New York state normal college.
833. Board of trustees.

§ 810. Normal schools continued. The state normal schools heretofore established at Brockport, Buffalo, Cortland, Fredonia, Geneseo, New Paltz, Oneonta, Oswego, Plattsburgh and Potsdam, are continued.

§ 811. Local boards. There shall continue to be a local board of each of said state normal schools, consisting of not less than three nor more than thirteen persons and the members thereof shall hold their offices until removed by the concurrent action of the chancellor of the university and the commissioner of education. A vacancy in any of said boards shall be filled by appointment by the commissioner of education.

§ 812. Powers of local boards. 1. Local boards shall have the immediate supervision and management of said schools, subject, however, to the general supervision of the commissioner of education and to his direction in all things pertaining to the school. Said local boards shall have power to appoint one of their number chairman, one secretary and another treasurer of the board. The secretary may also be treasurer.

2. A majority of each of said boards shall form a quorum for the transaction of business, and in the absence of any officer of the board, another member may be appointed pro tempore to fill his place and perform his duties.

3. It shall be the duty of such board to make and establish, and from time to time to alter and amend, such rules and regulations for the government of such schools under their charge, respectively, as they shall deem best, which shall be subject to the approval of the commissioner of education.

4. They shall also severally transmit through the commissioner of education, and subject to his approval and in the form which he directs, a report to the legislature on the first day of January in each year, showing the condition of the school under their charge during the year next preceding, including, especially, an account in detail of their receipts and expenditures, which shall be duly verified by the oath or affirmation of their chairman and secretary.

§ 813. Bond of treasurer. The treasurer shall give an undertaking to the people of the state for the faithful performance of his trust in an amount fixed by the commissioner of education. The undertaking shall be approved by said commissioner and filed in the office of the comptroller.

§ 814. Salary of secretary and treasurer. The secretary and the treasurer shall each be paid an annual salary to be

fixed by the local board with the approval of the commissioner of education, but the aggregate amount of such salaries shall not exceed four hundred dollars.

§ 815. Local boards shall have management of buildings and property. The local boards of managers of the respective normal schools in this state shall have the custody, keeping and management of the grounds and buildings provided or used for the purposes of such schools, respectively, and other property of the state pertaining thereto, with power to protect, preserve and improve the same.

§ 816. Courses of study. It shall be the duty of the commissioner of education to prescribe the courses of study to be pursued in each of said schools.

§ 817. Teachers, salaries, et cetera. The commissioner of education shall determine the number of teachers to be employed in each normal school and the salary of such teachers. The employment of such teachers shall also be subject to his approval.

§ 818. Commissioner may perform duties of defaulting local board. During such time as any local board shall fail or refuse to discharge any duty the commissioner of education is hereby authorized to discharge such duty of such local boards or any of their officers; and the acts of said commissioner of education in the premises shall be as valid and binding as if done by a competent local board or its officers, or with their co-operation.

§ 819. Diplomas. The commissioner of education shall prepare suitable diplomas to be granted to the students of such school, who shall have completed one or more of the courses of study and discipline prescribed, and a diploma signed by him, the chairman and secretary of the local board and the principal of the school, shall be of itself a certificate of qualification to teach common schools.

§ 820. Requisites for admission; privileges and duties of pupils. 1. All applicants for admission to a normal school shall be residents of this state, or, if not, they shall be admitted only upon the payment of such tuition fees as shall be, from time to time, prescribed by the commissioner of education. Applicants shall present such evidences of proficiency or be subject to such examination as shall be prescribed by said commissioner.

2. A normal school shall not receive into its academic department any pupil not a resident of the territory, for the benefit or advantage of whose residents the state has pledged itself to maintain such academic department unless such pupil declares it to be her intention to remain in such school to complete the regular normal course.

3. All students duly admitted to the normal department shall be entitled to all the privileges of the school, free from all charges for tuition or for the use of books or apparatus, but every pupil shall pay for books lost by him, and for any damage to books in his possession. Any pupil may be dismissed from the school by the local board for immoral or disorderly conduct, or for neglect or inability to perform his duties.

§ 821. Practice departments in Fredonia school. The local board of control of the state normal school at Fredonia shall have the same powers and privileges in respect to practice departments as boards of education, under subdivision three of section three hundred and ten and section three hundred and seventeen of this chapter.

§ 822. Special policemen. For the purpose of protecting and preserving such buildings, grounds and other property, and preventing injuries thereto, and preserving order, preventing disturbances, and preserving the peace in such buildings and upon such grounds, the local boards of managers of each of said normal schools shall have power, by resolution or otherwise, to appoint, from time to time, one or more special policemen, and to remove the same at pleasure, who shall be police officers, with the same powers as constables of the town or city where such school is located, whose duty it shall be to preserve order, and prevent disturbances and breaches of the peace in and about the buildings, and on and about the grounds used for said school, or pertaining thereto, and protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise, causing any disturbance, committing any breach of the peace, or misdemeanor or any wilful trespass upon such grounds, or in or upon said buildings, or any part thereof and convey such person or persons so arrested, with a statement of the cause of the arrest, before a proper magistrate to be dealt with according to law.

§ 823. Village or city may insure normal school property. Each village and city in this state, wherein is located a state normal and training school, may insure and keep insured, the real and personal property of such school against loss

or damage by fire, when the state refuses to insure, or keep adequately insured, such property. The insurance is to be in the name of the state, and in case of loss, any moneys obtained from such insurance are to be used and disposed of the same as if the state had effected such insurance. The amount of insurance to be carried shall be determined by the municipal authorities of such village or city.

§ 824. Expense of insurance a village or city charge. The amount of money necessary to effect and continue such insurance shall be raised annually by such village or city at the same time, and in the same manner, as the ordinary expenses of the village or city are raised.

§ 825. Deposit of insurance moneys in bank. Where any loss or damage, against which insurance exists, occurs to the real or personal property of any of the normal and training schools of the state, the moneys realized from such insurance shall be deposited by each company in which such property is insured in a bank to be designated by the state comptroller, subject to the check of the local board of managers of such school, countersigned by the state comptroller. Such moneys shall be kept as a separate fund to the credit of the local board of managers of such school, and shall be immediately available to be expended under the direction of such local board of managers, subject to the approval of the commissioner of education, to repair or replace, wholly or partially, the real or personal property so damaged or destroyed.

§ 826. Acceptance of grants and bequests authorized. The local board of managers of any state normal and training school of this state, may accept, for the state, by and with the consent of the commissioner of education the gift, grant, devise or bequest of money or other property, and *to apply the same to any purpose, not inconsistent with the general purposes of such school, which shall be prescribed in the instrument by which such gift, grant, devise or bequest shall be made.

§ 827. Education of Indian youth. The state treasurer shall pay, on the warrant of the comptroller, on bills approved by the commissioner of education, from the general fund, such sum as may be appropriated for the support and education of Indian youth in the state normal schools.

§ 828. Selection of Indian youth. The selection of such youth shall be made by the commissioner of education, from the several Indian tribes located within this state; and in making such selection due regard shall be had to a just participation in

* So in original.

the privileges of this article by each of the said several tribes, and, if practicable, reference shall also be had to the population of each of said tribes in determining such selection.

§ 829. Age of youth and limit of time for support. Such youth shall not be under sixteen years of age, nor shall any of such youth be supported or educated at said normal schools for a period exceeding three years.

§ 830. Guardians of youth. The local board of each normal school shall be the guardians of such Indian youth, during the period of their connection with the school; and shall pay their necessary expenses, as provided in section eight hundred and twenty-seven of this article.

§ 831. Indian pupils on equality with others. The Indian pupils selected in pursuance of this article, and attending said normal schools, shall enjoy the same privileges, of every kind, as the other pupils attending said schools, including the payment of traveling expenses, not exceeding ten dollars to each pupil.

§ 832. New York state normal college. 1. The state normal school heretofore established at Albany is continued under the name of the New York state normal college and the executive committee of said college shall be known as the board of trustees thereof.

2. The said state normal college shall be as heretofore, under the supervision, management and government of the commissioner of education and the regents of the university. The said commissioner and regents shall from time to time, make all needful rules and regulations; fix the number and compensation of teachers and others to be employed therein; prescribe the examination and the terms and conditions on which pupils shall be received and instructed therein; the number of pupils from the respective counties conforming as nearly as may be to the ratio of population, and provide in all things for the good government and management of the said college.

§ 833. Board of trustees. 1. The board of trustees having the care, management and government of said college shall consist of five persons of whom the commissioner of education shall be one. Said commissioner shall be president ex officio of said board. The other members of such board shall be appointed by said commissioner subject to the approval of the regents.

2. In addition to the powers and duties named herein the commissioner of education and the board of trustees of said state normal college shall possess all the powers and duties which the

said commissioner and the local boards respectively possess under this article in relation to state normal schools.

ARTICLE 33

Fines, penalties, forfeitures and costs

Section 850. Disposition of fines for benefit of common schools.
851. Report and payment of fines.
852. Disposition of fines for benefit of schools of town, district or city.
853. Disposition of fines in case of joint district.
854. Penalty for falsely claiming to represent commissioner of education, regents or other school officer.
855. Forfeiture of amount of moneys lost by neglect.
856. Forfeiture of amount of penalty where suit is neglected.
857. No costs to plaintiffs in certain cases.
858. Costs, expenses and damages a district charge in certain cases.
859. Payment of costs, charges and expenses by vote of district meeting.
860. Appeal to county judge.
861. Hearing before county judge.
862. Duty of trustees to carry out order.

§ 850. Disposition of fines for benefit of common schools. Whenever, by any statute, a penalty or fine is imposed for the benefit of common schools, and not expressly of the common schools of a town or school district, it shall be taken to be for the benefit of the common schools of the county within which the conviction is had; and the fine or penalty, when paid or collected, shall be paid forthwith into the county treasury, and the treasurer shall credit the same as school moneys of the county, unless the county comprise a city having a special school act, in which case he shall report it to the commissioner of education, who shall apportion it upon the basis of population by the last census, between the city and the residue of the county, and the portion belonging to the city shall be paid into its treasury.

§ 851. Report and payment of fines. Every district attorney shall report, annually, to the board of supervisors, all such fines and penalties imposed in any prosecution conducted by him during the previous year; and all moneys collected or received by him or by the sheriff, or any other officer, for or on account of such fines or penalties, shall be immediately paid into

the county treasury, and the receipt of the county treasurer shall be a sufficient and the only voucher for such money.

§ 852. Disposition of fines for benefit of schools of town, district or city. Whenever a fine or penalty is inflicted or imposed for the benefit of the common schools of a town or school district, the magistrate, constable or other officer collecting or receiving the same shall forthwith pay the same to the county treasurer of the county in which the schoolhouse is located, who shall credit the same to the town or district for whose benefit it is collected. If the fine or penalty be inflicted or imposed for the benefit of the common schools of a city having a special school act, or of any part or district of a city, it shall be paid into the city treasury.

§ 853. Disposition of fine in case of joint district. Whenever a penalty or fine is imposed upon any school district officer for a violation or omission of official duty, or upon any person for any act or omission within a school district, or touching property or the peace and good order of the district, and such penalty or fine is declared to be for the use or benefit of the common schools of the town or of the county, and such school district lies in two or more towns or counties, the town or county intended by the act shall be taken to be the one in which the schoolhouse, or the schoolhouse longest owned or held by the district is at the time of such violation, act or omission.

§ 854. Penalty for falsely claiming to represent commissioner of education, regents or other school officer. It shall be a misdemeanor for any employee, agent or representative of a firm, company or corporation engaged in selling, publishing or manufacturing papers, periodicals, books, maps, charts, school supplies, apparatus or furniture, or any other person engaged or employed in such business to falsely represent to a board of trustees or board of education of a school district or to a teacher employed in a public school in this state or to a superintendent of schools or other school officer that he is an agent, employee, or representative of the commissioner of education, the state education department, the regents, or of any other school officer.

§ 855. Forfeiture of amount of moneys lost by neglect. Whenever the share of school moneys or any portion thereof, apportioned to any town or school district, or any money to which a town or school district would have been entitled, shall

be lost, in consequence of any wilful neglect of official duty by any school commissioner, town clerk, trustees or clerks of school districts, the officer guilty of such neglect shall forfeit to the town, or school district so losing the same, the full amount of such loss with interest thereon.

§ 856. Forfeiture of amount of penalty where suit is neglected. Where any penalty for the benefit of a school district, or of the schools of any school district, town, school commissioner district or county, shall be incurred, and the officer, whose duty it is by law to sue for the same, shall wilfully and unreasonably refuse or neglect to sue for the same, such officer shall forfeit the amount of such penalty to the same use, and it shall be the duty of his successor in office to sue for the same.

§ 857. No costs to plaintiffs in certain cases. 1. In any action against school officers, including supervisors of towns, in respect to their duties and powers under this chapter, for any act performed by virtue of or under the color of their offices, or for any refusal or omission to perform any duty enjoined by law, and which might have been the subject of an appeal to the commissioner of education, no costs shall be allowed to the plaintiff, in cases where the court shall certify that it appeared on the trial that the defendants acted in good faith.

2. The provision of subdivision one of this section shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the commissioner of education.

§ 858. Costs, expenses and damages a district charge in certain cases. 1. Whenever the trustees of any school district, or any school district officers, have been or shall be instructed by a resolution adopted at a district meeting to defend any action brought against them, or to bring or defend an action or proceeding touching any district property or claim of the district, or involving its rights or interests, or to continue any such action or defense, all their costs and reasonable expenses, as well as all costs and damages adjudged against them, shall be a district charge and shall be levied by tax upon the district.

2. If the amount claimed by them be disputed by a district meeting, it shall be adjusted by the county judge of any county in which the district or any part of it is situated.

§ 859. Payment of costs, charges and expenses by vote of district meeting. 1. Whenever such trustees or any school district officer shall have brought or defended any

such action or proceeding, without any such resolution of the district meeting, and after the final determination of such suit or proceeding, shall present to any regular meeting of the inhabitants of the district, an account, in writing, of all costs, charges and expenses paid by him or them, with the items thereof, and verified by his or their oath or affirmation, and a majority of the voters at such meeting shall so direct, it shall be the duty of the trustees to cause the same to be assessed upon and collected of the taxable property of said district, in the same manner as other taxes are by law assessed and collected; and, when so collected, the same shall be paid over, by an order upon the collector or treasurer to the officers entitled to receive the same.

2. The provision of subdivision one of this section shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the commissioner of education.

§ 860. Appeal to county judge. 1. Whenever any officer mentioned in section eight hundred and fifty-nine shall have complied with the provisions of such section and the meeting shall have refused to direct the trustees to levy a tax for the payment of the costs, charges and expenses claimed by him, such officer shall immediately give notice to such meeting that he will appeal to the county judge of the county in which such district is located from the refusal of said meeting to vote a tax for the payment of such claim.

2. Within ten days after the refusal of the meeting to allow such claim such officer shall serve upon the clerk of the district or, if there be no district clerk, upon the town clerk of the town an itemized statement of his claim, duly verified, together with a written notice that on a certain day named therein such officer will present such claim to the county judge for settlement.

3. The clerk upon whom such notice and claim are served shall file the same in his office and such notice and claim shall be subject to the inspection of any of the inhabitants of the school district.

4. The meeting at which notice of the intention of such officer to appeal to the county judge is given or any subsequent district meeting, duly called, may appoint one or more of the legal voters of such district or authorize the trustee to employ counsel to appear before the county judge at the time fixed for a hearing on such claim and protect the rights of the district upon such settlement. The expenses incurred in the performance of this duty shall be a charge upon the district and the trustees upon a

presentation of the account of such expenses with proper vouchers therefor shall pay the same from any available funds in the district or include the necessary amount in a tax-list to be levied upon the district.

5. A refusal of the trustees to levy such tax for the payment of such expenses shall be subject to an appeal to the commissioner of education.

§ 861. Hearing before county judge. 1. Upon the appearance of the parties, or upon due proof of service of the notice and copy of the account, the county judge shall examine into the matter and hear the proofs and allegations presented by the parties, and decide by order whether or not the account, or any and what portion thereof, ought justly to be charged upon the district, with costs and disbursements to such officer.

2. Such costs and disbursements shall not exceed the sum of thirty dollars, and the decision of the county judge shall be final; but no portion of such account shall be so ordered to be paid which shall appear to such judge to have arisen from the wilful neglect or misconduct of the claimant. The account with the oath of the party claiming the same shall be prima facie evidence of the correctness thereof. The county judge may adjourn the hearing from time to time, as justice shall seem to require.

§ 862. Duty of trustees to carry out order. It shall be the duty of the trustees of any school district, within thirty days after service upon them or upon the district clerk of a copy of an order of the county judge and notice thereof to them or any two of them, to cause the same to be entered at length in the book of record of said district, and to raise the amount thereby directed to be paid, by a tax upon the district, to be by them assessed and levied in the same manner as a tax voted by the district.

ARTICLE 34

Appeals or Petitions to Commissioner of Education

Section 880. Appeals or petitions to commissioner of education and other proceedings.
881. Powers of commissioner upon appeals *of petitions, et cetera.
882. Filed papers and copies thereof.

* So in original.

§ 880. Appeals or petitions to commissioner of education and other proceedings. Any person conceiving himself aggrieved may appeal or petition to the commissioner of education who is hereby authorized and required to examine and decide the same; and the commissioner of education may also institute such proceedings as are authorized under this act and his decision in such appeals, petitions or proceedings shall be final and conclusive, and not subject to question or review in any place or court whatever. Such appeal or petition may be made in consequence of any action:

1. By any school district meeting;

2. By any school commissioner and other officers, in forming or altering, or refusing to form or alter, any school district, or in refusing to apportion any school moneys to any such district or part of a district;

3. By a supervisor in refusing to pay any such moneys to any such district;

4. By the trustees of any district in paying or refusing to pay any teacher, or in refusing to admit any scholar gratuitously into any school or on any other matter upon which they may or do officially act.

5. By any trustees of any school library concerning such library, or the books therein, or the use of such books;

6. By any district meeting in relation to the library or any other matter pertaining to the affairs of the district.

7. By any other official act or decision of any officer, school authorities, or meetings concerning any other matter under this chapter, or any other act pertaining to common schools.

§ 881. Powers of commissioner upon appeals or petitions, et cetera. The commissioner, in reference to such appeals, petitions or proceedings, shall have power:

1. To regulate the practice therein.

2. To determine whether an appeal shall stay proceedings, and prescribe conditions upon which it shall or shall not so operate.

3. To decline to entertain or to dismiss an appeal, when it shall appear that the appellant has no interest in the matter appealed from, and that the matter is not a matter of public concern, and that the person injuriously affected by the act or decision appealed from is incompetent to appeal.

4. To make all orders, by directing the levying of taxes or otherwise, which may, in his judgment, be proper or necessary to give effect to his decision.

§ 882. Filed papers and copies thereof. The commissioner shall file, arrange in the order of time, and keep in his office, so that they may be at all times accessible, all the proceedings on every appeal or petition to him under this article, including his decision and orders founded thereon; and copies of all such papers and proceedings, authenticated by him under his seal of office, shall be evidence equally with the originals.

ARTICLE 35

Orphan Schools

Section 900. Schools of orphan asylums.
901. Rules subject to supervision of school authorities.
902. Annual reports.

§ 900. Schools of orphan asylums. The schools of the several incorporated orphan asylum societies in this state, other than those in the city of New York, shall participate in the distribution of the school moneys, in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. The schools of said societies shall be subject to the rules and regulations of the common schools in such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore.

§ 901. Rules subject to supervision of school authorities. Every such asylum may make all laws, rules and regulations relative to the education and discipline of their inmates, as a majority of the trustees thereof at their annual meetings shall think fit and proper; but such laws, rules and regulations shall not be repugnant to the laws of this state in its policy in reference to public and primary instruction, and shall be subject at all times to the inspection and supervision of the several educational officers of the different villages, towns or cities in which such orphan asylums may be located.

§ 902. Annual reports. An annual report shall be made and sworn to by the presiding officer of any such asylum, stating the number of inmates thereof, the time spent by them in pursuing studies therein, in what studies they shall have been instructed, and the manner in which the public funds distributed to it shall have been expended, which shall be filed with the commissioner of education.

ARTICLE 36

Schools for Colored Children

Section 920. No exclusion on account of race or color.
921. Provision for separate schools.
922. Only qualified teachers shall be employed.

§ 920. No exclusion on account of race or color. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race or color.

§ 921. Provision for separate schools. The trustees of any union school district, or of any school district organized under a special act, may, when the inhabitants of any district shall so determine, by resolution, at any annual meeting, or at a special meeting called for that purpose, establish separate schools for the instruction of colored children resident therein, and such school shall be supported in the same manner and receive the same care, and be furnished with the same facilities for instruction, as the white schools therein.

§ 922. Only qualified teachers shall be employed. No person shall be employed to teach any of such schools who shall not, at the time of such employment, be legally qualified.

ARTICLE 37

Indian Schools

Section 940. Duties of commissioner regarding Indian children.
941. Co-operation of Indians shall be sought.
942. Rights of Indians and of state shall be guarded.
943. Indian children not entitled to free tuition in public schools.
944. Employment of teachers, et cetera.
945. Required attendance upon instruction.
946. Duties of persons in parental relation to Indian children.
947. Penalty for failure to send children to school.
948. Persons employing Indian children unlawfully to be fined.
949. Teachers' record of attendance.

Section 950. Attendance officers.
951. Arrest of truants.
952. Commissioner of education to contract for keeping of truants.
953. Enumeration.
954. Payment of services herein required.

§ 940. Duties of commissioner regarding Indian children. The commissioner of education shall establish schools in such places and maintain such courses of instruction therein for the education of the Indian children of the state as he shall deem necessary. He shall have general supervision of such education and shall cause to be erected where necessary convenient and suitable school buildings for the accommodation of all the Indian children of the state. He shall also enforce the statutes relating to the education of the Indians and pay from the funds set apart for Indian education any necessary expense incurred thereby.

§ 941. Co-operation of Indians shall be sought. In the discharge of the duties imposed by this article, the said commissioner shall endeavor to secure the co-operation of all the several bands of Indians, and for this purpose, shall visit, by himself or his authorized representative, all the reservations where they reside, lay the matter before them in public assembly, inviting them to assist either by appropriating their public moneys to this object, or by setting apart lands and erecting suitable buildings, or by furnishing labor or materials for such buildings, or in any other way which he or they may suggest as most effectual for the promotion of this object.

§ 942. Rights of Indians and of state shall be guarded. In any contract which may be entered into with said Indians, for the use or occupancy of any land for school grounds, sites or buildings, care shall be taken to protect the title of the Indians to their lands, and to reserve to the state the right to remove or otherwise dispose of all improvements made at the expense of the state.

§ 943. Indian children not entitled to free tuition in public schools. Indian children residing on a reservation are not entitled to free tuition in districts outside the reservation but may be received into the schools of such districts on the approval of the trustees thereof and the commissioner of education.

§ 944. Employment of teachers, et cetera. The commissioner of education shall employ all necessary teachers, truant officers and other assistants and employees and fix their salaries as shall be necessary for the proper enforcement of the statutes relating to Indian education.

§ 945. Required attendance upon instruction. 1. Every Indian child between six and sixteen years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught in English, or upon equivalent instruction by a competent teacher elsewhere than at such school as follows: Every Indian child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and every such child between six and fourteen years of age, shall so attend upon instruction as many days annually during the period between the first days of September and the following July as a public school of the community or district of the reservation, in which such child resides, shall be in session during the same period.

2. If any such child shall so attend upon instruction elsewhere than at the public school, such instruction shall be at least equivalent to the instruction given to Indian children of like age at a school of the community or district in which such child shall reside; and such attendance shall be for at least as many hours of each day thereof, as are required of children of like age at public schools and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in public schools for children of like age. Occasional absences from such attendance, not amounting to irregular attendance in a fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practices of public schools.

§ 946. Duties of persons in parental relation to Indian children. Any person in parental relation to an Indian child between six and sixteen years of age in proper physical and mental condition to attend school, shall cause such child to attend upon instruction as provided in this article.

§ 947. Penalty for failure to send children to school. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars or by imprisonment not exceeding ten days, and for each subse-

quent offense, by a fine not exceeding twenty-five dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special sessions shall, subject to removal, as provided in section fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violation of this section within their respective jurisdictions.

§ 948. Persons employing Indian children unlawfully to be fined. A person, firm, association or corporation shall not employ any Indian child residing on any Indian reservation between six and fourteen years of age, in any business or service whatever, during any part of the term during which the school in the community or district in which such child resides is in session, or shall not employ any Indian child residing on any reservation between fourteen and sixteen years of age, who does not, at the time of such employment present a consent in writing signed by the principal teacher of the reservation to the effect that such child may be employed, and specifying the nature of the service and the duration of such service or employment. Any person, firm, association or corporation who shall employ any Indian child contrary to the provisions of this section shall for each offense forfeit and pay to the principal teacher of the reservation a penalty of twenty-five dollars, the same, when paid, to be used for the support and maintenance of the schools on said reservation.

§ 949. Teachers' record of attendance. An accurate record of attendance of all Indian children between six and sixteen years of age shall be kept by the teacher of every Indian school, showing each day, by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction such Indian child shall attend elsewhere than at the school in the community or district of the reservation where he resides, shall keep a like record of such attendance. Such records shall at all times be open to the principal teacher of the reservation and its attendance officers who may inspect and copy the same and any teacher shall answer all lawful inquiries made by them. A wilful neglect or refusal to keep such a record or answer such inquiries shall be a misdemeanor.

§ 950. Attendance officers. The principal teacher of the Indian schools on each reservation shall supervise the enforce-

ment of this article within said reservation and shall appoint subject to the approval of the commissioner of education and remove at pleasure such number of attendance officers as the commissioner of education shall deem necessary, whose jurisdictions shall extend over all school districts on the reservation for which they shall be appointed. And said principal teachers are also vested with the same power and authority as the attendance officers appointed by them.

§ 951. Arrest of truants. Any attendance officer may arrest without warrant anywhere within the state, any Indian child between six and sixteen years of age, found away from his home and who is then a truant from instruction upon which he is lawfully required to attend within the districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual or incorrigible truants, shall bring them before a magistrate for commitment to a truant school, as provided in the next section.

§ 952. Commissioner of education to contract for keeping of truants. The commissioner of education may contract with any city or district having a truant school, for the confinement, maintenance and instruction therein of any child who shall be committed to such school as a truant by any magistrate before whom such child shall have been examined upon the charge of truancy. The costs and expenses attending the support and maintenance of any truant, as herein provided, shall be audited by the commissioner of education and paid in the same manner as the expenses of supporting and maintaining the schools on said reservation are paid.

§ 953. Enumeration. The commissioner of education shall cause to be taken a complete enumeration of the Indian inhabitants on said reservation; such enumeration to be taken between the first day of May and the first day of August which shall be tabulated showing the name and age of each Indian person on said reservations and in what school district each of such persons resides. The commissioner of education may require any of the teachers employed in the schools on such Indian reservations or other persons to take such enumeration.

§ 954. Payment of services herein required. Each of the attendance officers herein provided for shall receive such

sum per day as shall be fixed by the commissioner of education for each day necessarily employed in enforcing this article; and each person employed in taking and tabulating the census of the residents of said reservations, shall be entitled to receive such compensation as the commissioner of education shall allow. The compensation of truant officers and the expense in taking the enumeration herein provided for shall be audited by the commissioner of education and paid in the same manner as other accounts for the support and maintenance of the schools on said reservations are now paid.

ARTICLE 38

Instruction of Deaf-Mutes and of the Blind

Section 970. Duties of commissioner of education.
971. Persons eligible as pupils to institutions for instruction of the deaf and dumb.
972. Persons eligible as pupils to institutions for instruction of the blind.
973. Support and term of instruction of state pupils.
974. Regulations for admission.
975. Clothing for state pupils.
976. Employment of reader for blind students.
977. Indigent deaf-mute children.
978. Deaf-mute children improperly cared for.
979. Maintenance of children.
980. Payment of expenses of tuition and maintenance.

§ 970. Duties of commissioner of education. All the institutions for the instruction of the deaf and dumb, and blind, and all other similar institutions, incorporated under the laws of the state, or that may be hereafter incorporated, shall be subject to the visitation of the commissioner of education, and it shall be his duty:

1. To inquire into the organization of the several schools and the method of instruction employed therein.

2. To prescribe courses of study and methods of instruction that will meet the requirements of the state for the education of state pupils.

3. To make appointments of pupils to the several schools, to transfer such pupils from one school to another as circumstances may require; to cancel appointments for sufficient reason.

4. To ascertain by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint from time to time, suitable persons to visit the schools.

5. To suggest to the directors of such institutions and to the legislature such improvements as he shall judge expedient.

6. To make an annual report to the legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging.

§ 971. Persons eligible as pupils to institutions for instruction of the deaf and dumb. All deaf and dumb persons resident in this state and upwards of twelve years of age, who shall have been resident in this state for one year immediately preceding the application, or, if a minor, whose parent or parents, or, if an orphan, whose nearest friend shall have been resident in this state for one year immediately preceding the application, shall be eligible to appointment as state pupils in one of the deaf and dumb institutions of this state, authorized by law to receive such pupils.

§ 972. Persons eligible as pupils to institutions for instruction of the blind. All blind persons of suitable age and possessing the other qualifications prescribed for deaf and dumb state pupils under section nine hundred and twenty-one shall be eligible to appointment to the institutions for the blind in the city of New York, or in the village of Batavia, as follows:

1. All such as are residents of the counties of New York, Kings, Queens, Suffolk, Nassau, Richmond, Westchester, Putnam and Rockland, shall be sent to the institution for the blind in the city of New York.

2. All such who reside in other counties of the state shall be sent to the institution for the blind in the village of Batavia.

3. All such appointments, with the exception of those to the institution for the blind in the village of Batavia, shall be made by the commissioner of education upon application, and in those cases in which, in his opinion, the parents or guardians of the applicants are able to bear a portion of the expense, he may impose conditions whereby some proportionate share of expense of educating and clothing such pupils shall be paid by their parents, guardians or friends, in such manner and at such times as the commis-

sioner shall designate, which conditions he may modify from time to time, if he shall deem it expedient to do so.

§ 973. Support and term of instruction of state pupils. 1. Each pupil so received into any of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive an annual appropriation for each pupil so provided for, in quarterly payments, to be paid by the treasurer of the state, on the warrant of the comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, which bill shall be signed by the president and secretary of the institution, and verified by their oaths.

2. The regular term of instruction for such pupils shall be five years; but the commissioner of education may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this section and sections nine hundred and seventy-one and nine hundred and seventy-two of this article shall be designated state pupils; and all the existing provisions of law applicable to state pupils now in said institutions shall apply to pupils herein provided for.

§ 974. Regulations for admission. The commissioner of education may make such regulations and give such directions to parents and guardians, in relation to the admission of pupils into either of the above-named institutions, as will prevent pupils entering the same at irregular periods.

§ 975. Clothing for state pupils. 1. The supervisors of any county in this state from which county state pupils may be hereafter appointed to any institution for the instruction of the deaf and dumb, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for each such pupil from said county, the sum of thirty dollars.

2. The supervisors of any county in this state from which state pupils shall be sent to and received in the New York institution for the blind, whose parents or guardians shall, in the opinion of the commissioner of education, be unable to furnish them with suitable clothing are hereby authorized and directed, in every year while such pupils are in said institution, to raise and appropriate thirty dollars for each of said pupils, and to pay the sum so raised to the said institution, to be by it applied to furnishing such pupils with suitable clothing while in said institution.

3. If in any case all or any of said moneys are not expended before the expiration of the periods of appointment of such pupils, then the unexpended residue shall go into the general clothing fund of the said institution, to be by it devoted to furnishing state pupils with suitable clothing.

4. If said sums shall not be paid to the said institution within six months after the annual meeting of the supervisors of any of said counties, the sums so unpaid shall bear interest at the rate of seven per centum per annum, from the expiration of said six months until the same be paid.

5. The supervisors of any county in this state from whose pauper institutions pupils shall be sent to the said institution for the blind, shall raise, appropriate and pay to the order of the comptroller of the state, towards the expense of educating and clothing such pupils, a sum equal to that which the county would have to pay to support the pupils as paupers at home. This subdivision does not apply to the counties of New York, Kings, Queens, Nassau and Suffolk.

6. The supervisors, or officers corresponding thereto, of the counties of New York, Kings, Queens, Nassau and Suffolk, from which state pupils shall be sent to and received in the New York institution for the blind, whose parents or guardians shall, in the opinion of the commissioner of education, be unable to furnish them with suitable clothing, are hereby authorized and directed, in every year while such pupils are in said institution, to raise and appropriate fifty dollars for each of said pupils from said counties, respectively, and to pay the sum so raised to the said institution, to be by it applied to furnishing such pupils with suitable clothing while in said institution.

7. If in any year hereafter there shall be any surplus of the amount above required to be paid yearly by the said counties for clothing for pupils from said counties, respectively, then such surplus shall be deducted pro rata the ensuing year from the amount above required to be paid by the said counties respectively.

§ 976. Employment of reader for blind students. 1. Whenever a blind person, who is a citizen of this state and a pupil in actual attendance at a college, university, technical or professional school located in this state and authorized by law to grant degrees, other than an institution established for the regular instruction of the blind, shall be designated by the trustees thereof as a fit person to receive the aid hereinafter provided for, there

shall be paid by the state for the use of such pupil the sum of three hundred dollars per annum with which to employ persons to read to such pupil from text-books and pamphlets used by such pupil in his studies at such college, university or school.

2. Such moneys shall be paid annually, after the beginning of the school year of such institution, by the treasurer of the state on the warrant of the comptroller, to the treasurer of such institution, on his presenting an account showing the actual number of blind pupils matriculated and attending the institution, which account shall be verified by the president of the institution and accompanied by his certificate that the trustees have recommended the pupils named in said account as hereinbefore provided.

3. The trustees of any of the said institutions shall recommend no blind person, who is not regularly matriculated, and who is not in good and regular standing, and who is not working for a degree from the institution in which he is matriculated; and no blind person shall be recommended, who is not doing the work regularly prescribed by the institution for the degree for which he is a candidate. The moneys so paid to any such institution shall be disbursed for the purposes aforesaid by and under the direction of its board of trustees.

§ 977. Indigent deaf-mute children. Whenever a deaf-mute child under the age of twelve years shall become a charge for its maintenance on any of the towns or counties of this state, or shall be liable to become such charge, it shall be the duty of the overseers of the poor of such town or of the board of supervisors of such county to place such child in one of the institutions enumerated in the next section.

§ 978. Deaf-mute children improperly cared for. Upon the application of any parent, guardian or friend of a deaf-mute child, within this state, over the age of five years and under the age of twelve years, the overseer of the poor or the supervisor of the town where such child may be, shall place such child in one of the institutions authorized by the laws of eighteen hundred and ninety-two, chapter thirty-six, to receive such pupils, as follows:

1. The New York institution for the deaf and dumb; or,

2. The institution for the improved instruction of deaf-mutes; or,

3. The Le Couteulx Saint Mary's institution for the improved instruction of deaf-mutes in the city of Buffalo; or,

4. The Central New York institution for deaf-mutes in the city of Rome; or,

5. The Albany home school for the oral instruction of the deaf at Albany; or,

6. To any other institution in the state for the education of deaf-mutes as to which the state board of charities shall have filed with the commissioner of education a certificate to the effect that said institution has been duly organized and is prepared for the reception and instruction of such pupils.

§ 979. Maintenance of children. The children placed in said institutions, in pursuance of the last two sections, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed three hundred and twenty-five dollars each per year, until they attain the age of twelve years, unless the directors of the institution to which a child has been sent shall find that such child is not a proper subject to remain in said institution. [Thus amended by L. 1910, chap. 322, in effect May 18, 1910.]

§ 980. Payment of expenses of tuition and maintenance. The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institutions, not exceeding the amount of three hundred and twenty-five dollars per year, above allowed, shall be raised and collected as are other expenses of the county from which such children shall be received; and the bills therefor properly authenticated by the principal or one of the officers of the institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county. [Thus amended by L. 1910, chap. 322, in effect May 18, 1910.]

ARTICLE 39

New York State School for the Blind

Section 990. Change of name.
991. Requisites for admission.
992. Applicants from without the state.
993. Applications for admission.
994. Object of institution.
995. Appointment and terms of trustees.
996. Filling vacancies.
997. Trustees entitled to mileage; disabilities.
998. General powers of trustees.
999. Officers, committees and seal.

Section 1000. Secretary.
1001. Treasurer's duties and bond.
1002. Appointment of superintendent, instructors and assistants.
1003. Purchase of equipment.
1004. Duty to provide clothing and pay traveling expenses.
1005. Charges against county.
1006. Accounts against counties and payment thereof.
1007. Reimbursement of counties.
1008. Entitled to publications and may receive bequests and donations.
1009. Records and annual reports.
1010. Payments by state treasurer.
1011. Drafts upon state treasury.

§ 990. Change of name. The New York state institution for the blind as the same was authorized to be established by chapter five hundred and eighty-seven of the laws of eighteen hundred and sixty-five and the acts supplemental thereto and renamed the "New York state school for the blind" by laws of eighteen hundred and ninety-five, chapter five hundred sixty-three, shall continue to be known and designated as the "New York state school for the blind."

§ 991. Requisites for admission. All blind persons of suitable age and capacity for instruction, who are legal residents of the state, shall be entitled to the privileges of the New York state school for the blind, without charge, and for such a period of time in each individual case as may be deemed expedient by the board of trustees of said school; provided, that whenever more persons apply for admission at one time than can be properly accommodated in the school, the trustees shall so apportion the number received, but each county may be represented in the ratio of its blind population to the total blind population of the state; and provided further, that the children of citizens who died in the United States service, or from wounds received therein during the late rebellion, shall take precedence over all others.

§ 992. Applicants from without the state. Blind persons from without the state may be received into the school upon the payment of an adequate sum, fixed by the trustees, for their boarding and instruction; provided that such applicant shall in no case exclude those from the state of New York.

§ 993. Applications for admission. Applications for admission into the school shall be made to the board of trustees in such manner as they may direct, but the board shall require such application to be accompanied by a certificate from the county judge or county clerk of the county or the supervisor or town clerk of the town, or the mayor of the city where the applicant resides, setting forth that the applicant is a legal resident of the town, county and state claimed as his residence.

§ 994. Object of institution. The primary object of the school shall be, to furnish to the blind children of the state the best known facilities for acquiring a thorough education, and train them in some useful profession or manual art, by means of which they may be enabled to contribute to their own support after leaving the school; but it may likewise, through its industrial department, provide such of them with appropriate employment and boarding accommodations as find themselves unable, after completing their course of instruction and training, to procure these elsewhere for themselves. It shall, however, be in no sense an asylum for those who are helpless from age, infirmity or otherwise, or a hospital for the treatment of blindness.

§ 995. Appointment and terms of trustees. The governor shall continue, each alternate year, to appoint, by and with the consent of the senate, three trustees who shall serve for a term of six years. Two of the board must be residents of the county of Genesee, and a majority must be residents within fifty miles of said school.

§ 996. Filling vacancies. In case of the declination of any member of said board of trustees to act under his appointment, or of the occurrence of any other casual vacancy in the board, the governor shall forthwith appoint some suitable person to fill such vacancy, and the member so appointed shall serve out the term of his predecessor.

§ 997. Trustees entitled to mileage; disabilities. The trustees shall receive no compensation as such, but they may allow themselves mileage, at the same rate as that paid to members of the legislature, for any distance actually traveled in the service of the school. Nor shall any trustee be pecuniarily interested in any contract for buildings pertaining to the school, or in furnishing supplies therefor.

§ 998. General powers of trustees. The board of trustees shall have charge of all the affairs of the school, with power

to make all necessary by-laws and regulations for their government and the proper management of the school, as well as for the admission of pupils, and to do all else which may be found necessary for the advancement of its humane design.

§ 999. Officers, committees and seal. They shall elect from their own number a president and treasurer, together with such standing committees as they may deem necessary, and adopt a common seal for the school.

§ 1000. Secretary. The board of trustees may elect a secretary, who shall serve during the pleasure of the board, and who shall not be a member thereof, and may fill any vacancy in the said office as often as the same shall occur, and may prescribe his duties and fix his compensation.

§ 1001. Treasurer's duties and bond. 1. The treasurer shall have the custody of all the funds of the school, and pay out the same only upon properly authenticated orders of the board or executive committee.

2. Before entering upon the duties of his office, he shall execute and file in the office of the comptroller, a bond with such sureties and in such amount of penalty as the comptroller shall require and approve, conditioned for the faithful discharge of his duties as such treasurer.

§ 1002. Appointment of superintendent, instructors and assistants. The trustees shall have power to appoint a competent and experienced superintendent, who shall be the chief executive officer of the school, together with an efficient corps of instructors and other subordinate officers; prescribe the duties and terms of service of the same; fix and pay their salaries, and for just cause, remove any or all of them from office. They shall likewise employ the requisite number of servants and other assistants in the various departments of the school and pay the wages of the same.

§ 1003. Purchase of equipment. They shall purchase all furniture, apparatus and other supplies necessary to the equipment and carrying on of the school in the most efficient manner.

§ 1004. Duty to provide clothing and pay traveling expenses. 1. When any blind person shall, upon proper application, be admitted into the school, it shall be the duty of his parents, guardians or other friends, to suitably provide such person with clothing at the time of entrance and during continuance

therein, and likewise to defray his traveling expenses to and from the school, at the time of entrance and discharge, as well as at the beginning and close of each session of the school, and at any other time when it shall become necessary to send such person home on account of sickness or other exigency.

2. Whenever it shall be deemed *necesary by the trustees to have such person permanently removed from the school, in accordance with the by-laws and regulations thereof, the same shall be promptly removed upon their order, by his parents, guardians or other friends.

§ 1005. Charges against county. 1. If the friends of any pupil from within the state of New York shall fail through neglect or inability to provide the same with proper clothing or with funds to defray his necessary traveling expenses to and from the school, or to remove him therefrom, as required in the preceding section, the trustees shall furnish such clothing, pay such traveling expenses, or remove such pupil to the care of the overseers of the poor of his township, and charge the cost of the same to the county to which the pupil belongs, provided that the annual amount of such expenditures on account of any one pupil shall not exceed the sum of sixty dollars.

2. And in case of the death of any pupil at the school, whose remains shall not be removed or funeral expenses borne by the friends thereof, the trustees shall defray the necessary burial expenses, and charge the same to his county as aforesaid.

3. Upon the completion of their course of training in the industrial department, the trustees may furnish to such worthy poor pupils as may need it, an outfit of machinery and tools for commencing business, at a cost not exceeding seventy-five dollars each, and charge the same to the proper county as aforesaid.

§ 1006. Accounts against counties and payment thereof. On the first day of October in each year, the trustees shall cause to be made out against the respective counties concerned, itemized accounts, separate in each case, of the expenditures authorized by the preceding section, and forward the same to the board of supervisors chargeable with the account. The board shall thereupon direct the county treasurer to pay the amount so charged to the treasurer of the school for the blind, on or before the first day of March next ensuing.

§ 1007. Reimbursement of counties. The counties against which the said accounts shall be made out as aforesaid,

* So in original.

shall cause their respective treasurers, in the name of their respective counties, to collect the same, by legal process, if necessary, from the parents or estates of the pupils who have the ability to pay, on whose account the said expenditures shall have been made; provided that at least five hundred dollars' value of the property of such parents or estate shall be exempt from the payment of the accounts aforesaid.

§ 1008. Entitled to publications and may receive bequests and donations. The school shall be entitled to receive copies of all books and other publications which are distributed gratuitously by the state to township or county libraries, common schools, academies, colleges and societies. It may also receive in the name of the state, bequests or donations of money or any kind of property, but such money or property shall, in all cases, belong to the state, and be subject to its control; provided that the same shall not be diverted from the particular object for which it shall be bequeathed or donated.

§ 1009. Records and annual reports. The board of trustees shall keep full and complete records of their proceedings, and make an annual report of the same to the legislature, at the commencement of the regular session thereof, strictly accounting in detail for their expenditures, on account of the school, during the preceding fiscal year of the state, setting forth the progress and condition of the several departments of the school, making such suggestions concerning its future management as they may deem essential, and submitting proper estimates of the funds needed for its support, as well as for building and all other purposes.

§ 1010. Payments by state treasurer. The state treasurer is hereby directed to pay over to the board of trustees, upon the warrant of the comptroller, all moneys which shall hereafter be appropriated on account of the New York state school for the blind; the general appropriations for the current support of the school, to be paid in equal quarterly installments, and specific appropriations for building and other purposes, to be paid when needed by the trustees.

§ 1011. Drafts upon state treasury. All drafts upon the state treasury on behalf of the school shall be based upon orders of the board of trustees, signed by the president and secretary of the same, and attested by the common seal of the school.

§ 1012. *Consent of trustees to construction of sewers. The board of trustees of the New York state school

* This section was added to the former Education Law as § 962. It is inserted in its proper place in this article.

for the blind shall have power and authority to grant to the village of Batavia a license to lay, construct and maintain as a part of the general sewer system of such village, a sewer or sewers in, through, under and along the lands of such school in the village of Batavia, upon such conditions as such board may prescribe. [Thus amended by L. 1910, chap. 53.]

ARTICLE 40

Cornell University

Section 1030. Cornell university continued.
1031. Trustees; election of trustees.
1032. Extent of farm and grounds; special constables.
1033. Object and powers of the corporation.
1034. Extent to which property may be held.
1035. Trustees shall make reports; university subject to visitation of regents.
1036. Restrictions on alienation of property.
1037. State scholarships at Cornell university.
1038. New York state veterinary college.
1039. New York state college of agriculture.

§ 1030. Cornell university continued. The corporation known as Cornell university, located at Ithaca, is continued with all the rights, and subject to all the liabilities contained in the act of incorporation, being laws of eighteen hundred and sixty-five, chapter five hundred and eighty-five, as amended.

§ 1031. Trustees; election of trustees. 1. The board of trustees of said Cornell university shall hereafter be made up and constituted as follows: the governor, the lieutenant-governor, the speaker of the house of assembly, the commissioner of education, the president of the state agricultural society, the commissioner of agriculture, the librarian of the Cornell library and the president of the said university, shall be trustees thereof ex-officio, and the eldest lineal male descendant of Ezra Cornell shall be a trustee thereof during his life. To fill the vacancies in the board existing among the elective trustees prior to this enactment, the governor shall appoint five trustees subject to confirmation by the senate, one of whom shall be appointed to serve for one year, one for two years, one for three years, one for four years, and one for five years, the term of office of each of whom shall commence at the beginning of the commencement week next succeeding his appoint-

ment. Prior to the expiration of the term of office of the trustee appointed for one year as above provided and annually thereafter, the governor shall appoint, subject to confirmation by the senate, one trustee for the term of five years, whose term of office shall begin at the expiration of the term of the retiring trustee. In the event of a vacancy occurring among the trustees appointed by the governor, by death or otherwise, the governor, subject to confirmation by the senate, as provided aforesaid, shall appoint a trustee to fill the vacancy for the unexpired term. There shall also be twenty-six elective trustees, fifteen of whom shall be elected by the board of trustees, and ten by the alumni of said university, and one each year by the executive committee of the New York state grange to be elected at the time of the annual meeting of said grange, such trustee so elected to be elected for a term of one year, his term of office to commence at the beginning of the first commencement week subsequent to his election; but at no time shall a majority of the board be of any one religious sect or of no religious sect.

2. The board of trustees shall elect each year three trustees, and as many more as may be necessary to fill vacancies, among members elected by them caused by resignation or death. The alumni of said university shall meet annually in Ithaca, on the day before commencement, and at the meeting of the alumni at each annual commencement said alumni shall elect two trustees, and as many more as may be necessary to fill vacancies arising from resignations or deaths among the number previously elected by them. Except as hereinbefore otherwise provided the term of office of each elective trustee shall be five years from the annual commencement at which he is elected; but if elected by the board of trustees at a meeting thereof during the academic year, his term shall then be five years from the commencement immediately preceding his election; but every trustee shall hold over until his successor is elected or appointed as above provided.

3. The election of trustees by the board shall be by ballot, and fifteen ballots shall concur before any one is elected; and twelve shall constitute a quorum for the transaction of business. Who shall be alumni of said university shall be prescribed by its board of trustees. The election of trustees by the alumni shall be by ballot, and shall be conducted in the following manner and under the following provisions: A register of the signature and address of each of the said alumni of the said university shall be kept by the treasurer of the said university at his business office. Any ten or more alumni may file with the treasurer, on or before the

first day of April in each year, written nominations of the trustees to be elected by the alumni at the next commencement. Forthwith after such first day of April a list of such candidates shall be mailed by said treasurer to each of the alumni at his address. Each alumnus may vote by transmitted ballot for trustees to be elected by the alumni at any commencement, in accordance with such regulations as to the method and time of voting as may be prescribed by the alumni and approved by the trustees of the university or its executive committee. The candidates to the extent of the number of places to be filled having the highest number of votes upon the first ballot shall be declared elected, provided that each of said candidates has received the votes of at least one-third of all the alumni voting at said election; but if there shall be a failure to fill all or one or more of the vacancies, caused by expiration of term or otherwise, by reason of the fact that one or more candidates having the highest number of votes as above fail to receive the votes of at least one-third of the alumni voting, then and in that event such vacancies shall be filled by the alumni personally present at said meeting, the election being limited to candidates not elected on the first ballot, if there is a sufficient number thereof, having the highest pluralities, not exceeding two candidates for each place thus to be filled.

§ 1032. Extent of farm and grounds; special constables. The farm and grounds occupied by said corporation, whereupon its buildings are erected, or shall be erected in such manner and to such extent as the trustees may from time to time direct and provide for, shall consist of not less than two hundred acres. For the protection of the grounds, farm buildings and property of the university, the supervisor of the town of Ithaca may appoint, upon the recommendation of the board of trustees of said Cornell university, not more than three suitable persons, as special constables, who shall have and exercise within the boundaries of such university grounds, the powers and duties of constables of towns, and whose compensation shall be regulated and paid by said board of trustees of the university.

§ 1033. Objects and powers of the corporation. The leading object of said corporation shall be to teach such branches of learning as are related to agriculture and the mechanic arts, including military tactics, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. But such other branches of science and knowledge may be embraced in the plan of instruction and

investigation pertaining to the university as the trustees may deem useful and proper. Said university is authorized to establish faculties, departments and branches and carry on its work at any places in this state and to confer any and all literary, scientific, technical and professional degrees, and in testimony thereof award certificates and diplomas. Persons of every religious denomination, or of no religious denomination, shall be equally eligible to all offices and appointments.

§ 1034. Extent to which property may be held. The said corporation may take and hold real and personal property to such an amount as may be or become necessary for the proper conduct and support of the several departments of education heretofore established or hereafter to be established by its board of trustees, and such property real and personal as has been, or may hereafter be given to said corporation by gift, grant, devise or bequest in trust or otherwise, for the use and purposes permitted by its charter, and in cases of trusts so created, the several trust estates shall be kept distinct, and the interest or income shall be faithfully applied to the purposes of such trust, in accordance with the provisions of the act or instrument by which the respective trusts were created.

§ 1035. Trustees shall make reports; university subject to visitation of regents. The trustees of said university shall make all the reports and perform such other acts as may be necessary to conform to the act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts" approved July second, eighteen hundred and sixty-two. The said university shall be subject to visitation of the regents of the university of the state of New York.

§ 1036. Restrictions on alienation of property. The said university grounds, farm, work-shops, fixtures, machinery, apparatus, cabinets and library, shall not be incumbered, aliened or otherwise disposed of by the said trustees, or by any other person, except on terms such as the legislature of the state of New York shall have approved, and any act of the said trustees, or that of any other person which shall have that effect, shall be void.

§ 1037. State scholarships in Cornell university. The several departments of study in Cornell university shall be open to applicants for admission thereto at the lowest rates of expense consistent with its welfare and efficiency, and without

distinction as to rank, class, previous occupation or locality. But, with a view to equalize its advantages to all parts of the state, the institution shall receive students to the number of one each year from each assembly district in this state, to be selected as hereinafter provided, and shall give them instruction in any or in all the prescribed branches of study in any department of said institution, free of any tuition fee or of any incidental charges to be paid to said university, unless such incidental charges shall have been made to compensate for materials consumed by said students or for damages needlessly or purposely done by them to the property of said university. The said free instruction shall, moreover, be accorded to said students in consideration of their superior ability, and as a reward for superior scholarship in the academies and public schools of this state. Said students shall be selected as the legislature may from time to time direct, and until otherwise ordered as follows:

1. A competitive examination, under the direction of the education department, shall be held at the county court-house in each county of the state, upon the first Saturday in June, in each year, by the city superintendents and the school commissioners of the county.

2. None but pupils of at least sixteen years of age and of six months' standing in the common schools or academies of the state, during the year immediately preceding the examination, shall be eligible.

3. Such examination shall be upon subjects designated by the president of the university and upon question papers prepared under the direction of the commissioner of education.

4. The city superintendents and school commissioners of each county shall immediately after the close of the examination forward to the commissioner of education all answer papers submitted by candidates in such examination, all statements of candidates and a report of the names of candidates in such form as the commissioner of education shall require.

5. In case any candidate who may become entitled to a scholarship shall fail to claim the same, or shall fail to pass the entrance examination at such university, or shall die, resign, absent himself without leave, be expelled or, for any other reason, shall abandon his right to or vacate such scholarship either before or after entering thereupon, then the candidate certified to be next entitled in the same county shall become entitled to the same. In case any scholarship belonging to any county shall not be claimed

by any candidate resident in that county, the commissioner of education may fill the same by appointing thereto some candidate first entitled to a vacancy in some other county. In any such case, the president of the university shall at once notify the commissioner of education and that officer shall immediately notify the candidate next entitled to the vacant scholarship of his right to the same.

6. Any state student who shall make it appear to the satisfaction of the president of the university that he requires leave of absence, for the purpose of earning funds with which to defray his living expenses *which in attendance, may, in the discretion of the president, be granted such leave of absence, and may be allowed a period not exceeding six years from the commencement thereof for the completion of his course at said university.

7. In certifying the qualifications of the candidates, preference shall be given, where other qualifications are equal, to the children of those who have died in the military or naval service of the United States.

8. Notices of the time and place of the examinations shall be given in all the schools having pupils eligible thereto, prior to the first day of January in each year, and shall be published once a week, for three weeks, in at least two newspapers in each county immediately prior to the holding of such examinations. The cost of publishing such notices and the necessary expenses of such examination shall be a charge upon each county, respectively, and shall be audited and paid by the board of supervisors thereof.

9. The commissioner of education shall attend to the giving and publishing of the notices hereinbefore provided for. He may, in his discretion, direct that the examination in any county may be held at some other time and place than that above specified, in which case it shall be held as directed by him. He shall keep full records in his department of all candidates attending such examinations and shall notify candidates of their rights under this chapter. He shall determine any controversies which may arise under the provisions of this chapter. He is hereby charged with the general supervision and direction of all matters in connection with the filling of such scholarships. Students enjoying the privileges of free scholarships shall, in common with the other students of said university, be subject to all the examinations, rules and requirements of the board of trustees or faculty of said university, except as herein provided.

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* So in original.

§ 1038. New York state veterinary college. 1. The state veterinary college, established by chapter one hundred and fifty-three of the laws of eighteen hundred and ninety-four, shall continue to be known as the New York state veterinary college. The object of said veterinary college shall be: To conduct investigations as to the nature, prevention and cure of all diseases of animals, including such as are communicable to man and such as cause epizootics among live stock; to investigate the economical questions which will contribute to the more profitable breeding, rearing and utilization of animals; to produce reliable standard preparations of toxins, antitoxins and other products to be used in the diagnosis, prevention and cure of diseases and in the conducting of sanitary work by approved modern methods; and to give instruction in the normal structure and function of the animal body, in the pathology, prevention and treatment of animal diseases, and in all matters pertaining to sanitary science as applied to live stock and correlatively to the human family.

2. All buildings, furniture, apparatus and other property heretofore or hereafter erected or furnished by the state for such veterinary college shall be and remain the property of the state. The Cornell university shall have the custody and control of said property, and shall, with whatever state moneys may be received for the purpose, administer the said veterinary college, with authority to appoint investigators, teachers and other officers, to lay out lines of investigation, to prescribe the requirements for admission and the course of study and with such other power and authority as may be necessary and proper for the due administration of such veterinary college.

3. Said university shall receive no income, profit or compensation therefor, but all moneys received from state appropriations for the said veterinary college or derived from other sources in the course of the administration thereof, shall be kept by said university in a separate fund from the moneys of the university, and shall be used exclusively for said New York state veterinary college. Such moneys as may be appropriated to be paid to the Cornell university by the state in any year, to be expended by said university in the administration of said veterinary college, shall be payable to the treasurer of Cornell university in three equal payments to be made on the first day of October, the first day of January, and the first day of April in such year, and within thirty days after the expiration of the period for which each instalment is received the said university shall furnish the

comptroller of the state of New York satisfactory vouchers for the expenditure of such instalment.

4. The said university shall expend such moneys and use such property of the state in administering said veterinary college, and shall report to the governor during the month of January in each year, a detailed statement of such expenditures and of the general operations of the said veterinary college.

5. No tuition fee shall be required of a student pursuing the regular veterinary course, who for a year or more immediately preceding his admission to said veterinary college shall have been a resident of this state. The tuition fees charged to other students and all other fees and charges in said veterinary college shall be fixed by Cornell university, and the moneys so received shall be expended for the current expenses of the said veterinary college.

§ 1039. New York state college of agriculture. The state college of agriculture, established by chapter six hundred and fifty-five of the laws of nineteen hundred and four, shall continue to be known as the New York state college of agriculture at Cornell university. The object of said college of agriculture shall be to improve the agricultural methods of the state, to develop the agricultural resources of the state in the production of crops of all kinds, in the rearing and breeding of live-stock, in the manufacture of dairy and other products, in determining better methods of handling and marketing such products, and in other ways; and to increase intelligence and elevate the standards of living in the rural districts. For the attainment of these objects the college is authorized to give instruction in the sciences, arts and practices relating thereto, in such courses and in such manner as shall best serve the interests of the state; to conduct extension work in disseminating agricultural knowledge throughout the state by means of experiments and demonstrations on farms and gardens, investigations of the economic and social status of agriculture, lectures, publication of bulletins and reports, and in such other ways as may be deemed advisable in the furtherance of the aforesaid objects; to make researches in the physical, chemical, biological and other problems of agriculture, the application of such investigations to the agriculture of New York, and the publication of the results thereof. All buildings, furniture, apparatus and other property heretofore or hereafter erected or furnished by the state for such college of agriculture shall be and remain the property of the state. The Cornell university shall have the custody and control of said property, and shall, with

whatever state moneys may be received for the purpose, administer the said college of agriculture, with authority to appoint investigators, teachers and other officers and employees, to lay out lines of investigation, to prescribe the requirements for admission and the course of study and with such other power and authority as may be necessary and proper for the due administration of such college of agriculture. Said university shall receive no income, profit or compensation therefor, but all moneys received from state appropriations for the said college of agriculture or derived from other sources in the course of the administration thereof, shall be credited by said university to a separate fund, and shall be used exclusively for said New York state college of agriculture. Such moneys as may be appropriated to be paid to the Cornell university by the state in any year, to be expended by said university in the administration of said college of agriculture, shall be payable to the treasurer of Cornell university in three equal payments to be made on the first day of October, the first day of January, and the first day of April in such year, and within sixty days after the expiration of the period for which each instalment is received the said university shall furnish the comptroller vouchers approved by the commissioner of agriculture for the expenditures of such instalment. The said university shall expend such moneys and use such property of the state in administering said college of agriculture as above provided, and shall report to the commissioner of agriculture in each year on or before the first day of December, a detailed statement of such expenditures and of the general operations of the said college of agriculture for the year ending the thirtieth day of September then next preceding. Fees and charges in said college of agriculture shall be fixed by Cornell university, and the moneys received from these sources and from the sales of products shall be credited to a separate fund and shall be used for the current expenses of the said college of agriculture.

ARTICLE 41

State School of Agriculture at Saint Lawrence University.

Section 1050. Corporate name.
1051. Objects and purposes of school.
1052. Supervision and control of school.
1053. Maintenance.

§ 1050. Corporate name. The school of agriculture established by chapter six hundred and eighty-two of the laws of nineteen hundred and six shall continue to be known as the New York state school of agriculture of The St. Lawrence university. [Thus amended by L. 1910, chap. 443, in effect June 8, 1910.]

§ 1051. Objects and purposes of school. Such school shall have for its objects and purposes:

1. The elementary and practical instruction of pupils attending such school in agriculture and allied subjects.

2. The giving of instruction by means of schools, lectures and other university extension methods for the promotion of agricultural knowledge.

3. The conducting of investigations and experiments for the purpose of ascertaining the best method of fertilization of fields, gardens and plantations and the best modes of tillage and farm management and improvement of live-stock.

4. The printing of leaflets and the dissemination of agricultural knowledge by means of lectures and otherwise; the printing and free distribution of the results of such investigations and experiments, and the publication of bulletins containing such information as may be deemed desirable and profitable in promoting the agricultural interests of the state, such work to be conducted as far as practicable in harmony with the college of agriculture at Cornell university.

§ 1052. Supervision and control of school. The board of trustees of The St. Lawrence university shall have the general care, supervision and control of such school, and of all its affairs, and to carry out its objects and purposes shall:

1. Employ and at pleasure remove officers, teachers, clerks, assistants, and such other persons as it shall deem necessary to the proper conduct of said school; and fix their compensation.

2. Adopt rules not inconsistent with law controlling the affairs of such school.

3. Prescribe the courses of instruction and the methods of investigation and experiments to be followed in such school.

4. Acquire by deed, gift, devise, or lease, real property suitable for practical and experimental agriculture, horticulture and forestry, and manage the same for the benefit of said school, devoting any income that may be derived therefrom to the maintenance thereof, provided, however, that no land shall be purchased with funds furnished by the state, unless a special appro-

priation is made therefor. [Thus amended by L. 1910, chap. 443, in effect June 8, 1910.]

§ 1053. Maintenance. 1. Prior to the first day of October in each year the treasurer of The St. Lawrence university shall file with the comptroller his bond, with an incorporated surety company authorized to do business in the state of New York as surety, in a penalty equal to one-fourth of the amount appropriated by the legislature for the maintenance of said agricultural school for the succeeding year, conditioned that he will faithfully account for all moneys received by him during the next state fiscal year. After the filing of said bond, the comptroller shall pay over to the said treasurer on the first days of each of the months of October, January, April and July next succeeding, one-fourth part of said appropriation.

2. All bills for the maintenance of said school shall be examined and audited by the executive committee of said board of trustees; and when so audited and properly certified by the president and secretary of said board, and the audit approved by the commissioner of agriculture, the amount thereof shall be credited by the comptroller against the funds theretofore advanced to said treasurer as above provided. [Added by L. 1910, chap. 443; in effect June 8, 1910.]

ARTICLE 42

State School of Agriculture at Alfred University

Section 1070. Corporate name.
1071. Objects and purposes of school.
1072. Supervision and maintenance of school.

§ 1070. Corporate name. The school of agriculture established by chapter two hundred of the laws of nineteen hundred and eight shall continue to be known as the New York state school of agriculture at Alfred university.

§ 1071. Objects and purposes of school. The objects of the New York state school of agriculture at Alfred university shall be to give elementary and practical instruction in agriculture and kindred subjects; to conduct, for the improvement of such instruction, investigations and experiments in agricultural methods and resources in western New York, and in means and methods for the care and improvement of live stock; to stimulate agricultural

pursuits, and to increase knowledge by which such industry may be successfully carried on; such work shall be co-ordinated so far as practicable with that at the New York state college of agriculture at Cornell university; and furnish both a practical training for the pursuit of agriculture, and complemental training, preliminary to advanced courses in said state college of agriculture at Cornell university.

§ 1072. Supervision and maintenance of school. Alfred university shall have the custody and control of the property of said New York state school of agriculture, and shall, with whatever moneys may be received for the purpose, administer the said school of agriculture with authority to appoint teachers, investigators, and other officers and employees, to prescribe the requirements for admission, and the courses of study to be pursued, and with such other power and authority as will secure necessary and adequate administration of such school. And in order to secure unity and harmony in education in agriculture in the state of New York, the state commissioner of agriculture, the director of the New York state college of agriculture at Cornell university, and a person to be annually elected or appointed by the state grange, shall be ex officio members of the board of managers to be appointed annually by the trustees of Alfred university, to have immediate management of the said state school of agriculture. Alfred university shall receive no income, profit or compensation therefor, but all moneys received from appropriations for the said school of agriculture shall be credited by said university to a separate fund, and shall be used exclusively for said New York state school of agriculture. Such moneys as may be appropriated by the state to Alfred university, for said state school of agriculture, shall be payable to the treasurer of Alfred university upon vouchers furnished to the comptroller. The said university shall expend such moneys and use such property of the state in administering said school of agriculture as above provided, and shall report to the commissioner of agriculture annually, on or before the first day of December, a detailed statement of such expenditures and of the general operations of the said school of agriculture for the year ending the thirtieth day of September then next preceding; and a copy of such report shall be transmitted to the legislature. Students bona fide residents of the state of New York for one year preceding the date of their admission shall be entitled to free tuition. Other fees and charges if any in the said school of agriculture, and any moneys received

from tuitions paid by students not residents of the state of New York, and from the sales of products shall be reported and forwarded monthly to the state treasurer as required by the state finance law, and may be reappropriated toward the maintenance of said school of agriculture.

ARTICLE 43

State School of Agriculture at Morrisville

Section 1090. Corporate name.
1091. Objects and purposes of school.
1092. Management and control of school.
1093. Powers and duties of board of trustees.

§ 1090. Corporate name. The school of agriculture established by chapter two hundred one of the laws of nineteen hundred and eight shall continue to be known as the New York state school of agriculture at Morrisville.

§ 1091. Objects and purposes of school. Such school shall have for its objects and purposes:

1. The elementary and practical instruction of pupils attending such school in agriculture and all allied subjects, including domestic science.

2. The giving of instruction in agriculture and agricultural science preparatory to the more advanced courses in the state college of agriculture at Cornell to which end the work shall be conformed as far as practicable with that of the last named institution and also the giving of elementary and practical instruction for the carrying on of agricultural pursuits to such as do not desire the more advanced course.

3. The conducting of investigations and experiments in central New York for the purpose of ascertaining the best methods of fertilizing fields, gardens and plantations and the best modes of tillage and farm management and the care and improvement of live stock.

§ 1092. Management and control of school. The care, management and control of said school, property and premises shall be exercised by a board of seven trustees. The state commissioner of agriculture and the director of the New York state agricultural school at Cornell University, shall, ex officio, be members of the board of trustees. The other five trustees shall be appointed by the governor by and with the consent of the

senate. At least two of such trustees shall be residents of the county of Madison. One of such trustees shall be a person recommended by the state grange, if such recommendation be made. Two of such appointed trustees shall be appointed for a term of two years each and three for a term of four years each. Upon the expiration of the terms of office of such appointed trustees their successors shall be appointed for a term of four years each. Such trustees shall serve for the terms for which they are respectively appointed and until their successors have been appointed and qualified. In case of any vacancy in the office of any trustee his successor shall be appointed for the unexpired term for which he was appointed. Such trustees shall serve without compensation as such, except that there shall be allowed to said board for clerical and other assistance that may be required in the discharge of their duties, a sum not to exceed fifteen hundred dollars per annum, which may be paid in whole or in part to one of the appointed members of said board, to act as secretary and clerk of said board until said school shall be organized.

§ 1093. Powers and duties of board of trustees. The board of trustees so appointed by the governor shall have the general care, supervision and control of such school and all its affairs and to carry out its objects and purposes:

1. Employ and remove teachers, experts, chemists and all necessary clerks and assistants.

2. Adopt rules not inconsistent with the law controlling the affairs of such school.

3. Prescribe the course of instruction and the methods of investigation and experiments to be followed in such school.

The board of trustees shall report to the commissioner of agriculture annually, on or before the first day of December, a detailed statement of such expenditures and of the general operations of the said school of agriculture for the year ending the thirtieth day of September then next preceding, and a copy of such report shall be transmitted to the legislature. Students bona fide residents of the state of New York for one year preceding the date of their admission shall be entitled to free tuition. Other fees and charges, if any, in the said school of agriculture, and any moneys received from tuition paid by students not residents of the state of New York, and from the sale of products, shall be reported and forwarded monthly to the state treasurer as required by the state finance law, and may be reappropriated toward the maintenance of said school of agriculture.

ARTICLE 43-A

Retirement Fund for Teachers in State Institutions

[Article inserted by L. 1910, chap. 441, in effect June 8, 1910.]

Section 1095. Retirement of certain teachers in state institutions.
1096. Certificate of retirement upon application.
1097. Retirement upon recommendation of governing body of institution where teacher is employed.
1098. Amount to be paid to such retired teachers.
1099. Time and maner of payments.

§ 1095. Retirement of certain teachers in state institutions. Every person who, for a period of ten years immediately preceding, has been employed by the state as a teacher in any college, school or institution maintained and supported by the state and who shall have been engaged in teaching in some college, university, school, academy or institution or in the public schools of this state or elsewhere during a period aggregating thirty years and has reached the age of seventy years must, at his request, or may on the order of the commissioner of education, be retired from such employment.

§ 1096. Certificate of retirement upon application. Every such person desiring to be retired under the provisions of section ten hundred and ninety-five of this chapter shall present to and file with the commissioner of education an affidavit signed by himself, or, in case he is mentally or physically incapable of making such affidavit, the affidavit of some person or persons acquainted with the facts, setting forth the number of years of such employment, the place or places where employed, the salary received by the applicant at the last place of employment, and upon the filing of such affidavits, the commissioner of education, if he shall be satisfied of the truth of the affidavit, shall issue to such applicant a certificate that such applicant has been retired from active service as a teacher.

§ 1097. Retirement upon recommendation of governing body of institution where teacher is employed. Upon the recommendation of a majority of the members of the board or governing body having in charge any such college, school or institution, that a member of the teaching force be retired on account of mental or physical incapacity for the

performance of duty, the commissioner of education may retire such person and issue to such person the certificate set forth in section ten hundred and ninety-six of this chapter, provided such person has been employed by the state for ten years immediately preceding as a teacher in any college, school or institution maintained and supported by the state and has been engaged in teaching in some college, university, school, academy or institution or in the public schools of this state or elsewhere during a period aggregating thirty years, or, having reached the age of sixty-five years, during a period aggregating twenty years.

§ 1098. Amount to be paid to such retired teacher. Every person who shall be retired under the provisions of this article shall be entitled to receive from the state one-half the salary which such person was receiving at the date of such retirement, not to exceed, however, in the case of a supervising official, or principal, one thousand dollars, and in the case of a teacher, seven hundred and fifty dollars. In no case shall the payment to any person retired hereunder be less than the sum of three hundred dollars.

§ 1099. Time and manner of payments. The payment of the amounts provided in this article to be paid shall be made by the state treasurer on the warrant of the comptroller on the audit of the commissioner of education. Payments shall be made quarterly commencing with the first quarter after the date of issue of the certificate of such retirement. The commissioner of education shall make and enforce such rules and regulations, not inconsistent with the provisions of this article, as he shall deem necessary for properly safeguarding all payments thereunder, including vouchers to be signed by the person to whom such payment is made.

ARTICLE 44

Libraries

Section 1110. State library, how constituted.
1111. State medical library.
1112. Manuscript and records "on file."
1113. State library, when open; use of books.
1114. Duplicate department.
1115. Transfers from state officers.
1116. Other libraries owned by the state.
1117. Public and free libraries and museums.

Section 1118. Establishment.
1119. Acceptance of conditional gift.
1120. Subsidies.
1121. Closing of museum; admission fee during certain hours.
1122. Taxes.
1123. Trustees.
1124. Incorporation.
1125. Use of free public libraries.
1126. Reports.
1127. Injuries to property.
1128. Detention.
1129. Transfer of libraries.
1130. Local neglect.
1131. Loans of books from state.
1132. Advice and instruction from state library officers.
1133. Apportionment of public library moneys.
1134. Abolition.
1135. Use and care of school library.
1136. Existing rules continued in force.
1137. Authority to raise and receive money for school library.
1138. Authority to transfer school library property to free public library.
1139. Transfer of property not in charge of librarian.
1140. Provision for change to circulating library.
1141. Penalty for disobedience to library law, rules or orders.

§ 1110. State library, how constituted. All books, pamphlets, manuscripts, records, archives and maps, and all other property appropriate to a general library, if owned by the state and not placed in other custody by law, shall be in charge of the regents and constitute the state library.

§ 1111. State medical library. The state medical library shall be a part of the New York state library under the same government and regulations and shall be open for consultation to every citizen of the state at all hours when the state library is open and shall be available for borrowing books to every accredited physician residing in the state of New York, who shall conform to the rules made by the regents for insuring proper protection and the largest usefulness to the people of the said medical library.

§ 1112. Manuscript and records "on file." Manuscript or printed papers of the legislature, usually termed "on file," and which shall have been on file more than five years in custody of the senate and assembly clerks, and all public records of the state not placed in other custody by a specific law shall be part of the state library and shall be kept in rooms assigned and suitably arranged for that purpose by the trustees of public buildings. The regents shall cause such papers and records to be so classified and arranged that they can be easily found. No paper or record shall be removed from such files except on a resolution of the senate and assembly withdrawing them for a temporary purpose, and in case of such removal a description of the paper or record and the name of the person removing the same shall be entered in a book provided for that purpose, with the date of its delivery and return.

§ 1113. State library, when open; use of books. The state library shall be kept open not less than eight hours every week day in the year except the legal holidays known as Independence day, Thanksgiving day and Christmas day, and members of the legislature, judges of the court of appeals, justices of the supreme court, and heads of state departments may borrow from the library books for use in Albany, but shall be subject to such restrictions and penalties as may be prescribed by the regents for the safety or greater usefulness of the library. Others shall be entitled to use or borrow books from the library only on such conditions as the regents shall prescribe.

§ 1114. Duplicate department. The regents shall have charge of the preparation, publication and distribution, whether by sale, exchange or gift, of the colonial history, natural history and all other state publications not otherwise assigned by law. To guard against waste or destruction of state publications, and to provide for the completion of sets to be permanently preserved in American and foreign libraries, the regents shall maintain a duplicate department to which each state department, bureau, board or commission shall send not less than five copies of each of its publications when issued, and after completing its distribution, any remaining copies which it no longer requires. The above, with any other publications not needed in the state library, shall be the duplicate department, and rules for sale, exchange or distribution from it shall be fixed by the regents, who shall use all receipts from such exchanges or sales for expenses and for increasing the state library.

§ 1115. Transfers from state officers. The librarian of any library owned by the state, or the officer in charge of any state department, bureau, board, commission or other office may, with the approval of the regents, transfer to the permanent custody of the state library or museum any books, papers, maps, manuscripts, specimens or other articles which, because of being duplicates or for other reasons, will in his judgment be more useful to the state in the state library or museum than if retained in his keeping.

§ 1116. Other libraries owned by the state. The report of the state library to the legislature shall include a statement of the total number of volumes or pamphlets, the number added during the year, with a summary of operations and conditions, and any needed recommendation for safety or usefulness for each of the other libraries owned by the state, the custodian of which shall furnish such information or facilities for inspection as the regents may require for making this report. Each of these libraries shall be under the sole control now provided by law, but for the annual report of the total number of books owned by or bought each year by the state, it shall be considered as a branch of the state library and shall be entitled to any facilities for exchange of duplicates, inter-library loans or other privileges properly accorded to a branch.

§ 1117. Public and free libraries and museums. All provisions of this section and of sections eleven hundred and eighteen to eleven hundred and thirty-four inclusive shall apply equally to libraries, museums, and to combined libraries and museums, and the word "library" shall be construed to include reference and circulating libraries and reading-rooms.

§ 1118. Establishment. By majority vote at any election, any city, village, town, school district, or other body authorized to levy and collect taxes, or by vote of its common council, or by action of a board of estimate and apportionment or other proper authority, any city, or by vote of its trustees, any village, may establish and maintain a free public library, with or without branches, either by itself or in connection with any other body authorized to maintain such library. Whenever twenty-five taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice shall have been given of the proposed action. A municipality or district named in this

section may raise money by tax to establish and maintain a public library or libraries, or to provide a building or rooms for its or their use, or to share the cost as agreed with other municipal or district bodies, or to pay for library privileges under a contract therefor. It may also acquire real or personal property for library purposes by gift, grant, devise or condemnation, and may take, buy, sell, hold and transfer either real or personal property and administer the same for public library purposes.

§ 1119. Acceptance of conditional gift. By majority vote at any election any municipality or district or by three-fourths vote of its council, any city, or any public library in the university, or any designated branch thereof, if so authorized by such vote of a municipality, district, or council, or of any combination of such voting bodies, may accept gifts, grants, devises or bequests for public library purposes on condition that a specified annual appropriation shall thereafter be made, by the municipality or district or combination so authorizing such acceptance, for maintenance of such library or branches thereof. Such acceptance, when approved by the regents of the university under seal and recorded in its book of charters, shall be a binding contract, and such municipality and district shall levy and collect yearly the amount provided in the manner prescribed for other taxes, and shall maintain any so accepted gift, grant, devise or bequest, intact and make good any impairment thereof.

§ 1120. Subsidies. By vote similar to that required by sections eleven hundred and eighteen and eleven hundred and nineteen money may be granted toward the support of libraries not owned by the public but maintained for its welfare and free use; provided, that such libraries shall be subject to the inspection of the regents and registered by them as maintaining a proper standard, that the regents shall certify what number of the books circulated are of such a character as to merit a grant of public money, and that the amount granted yearly to libraries on the basis of circulation shall not exceed ten cents for each volume of the circulation thus certified by the regents.

§ 1121. Closing of museum; admission fee during certain hours. The trustees of any institution supported under this chapter by public money, in whole or in part, may, so far as consistent with free use by the public at reasonable or specified hours, close any of its museum collections at certain other hours, for study, to meet the demands of special students

or for exhibition purposes, and may charge an admission fee at such hours, provided that all receipts from such fees shall be paid into the treasury and be used for the maintenance or enlargement of the institution.

§ 1122. Taxes. Taxes, in addition to those otherwise authorized, may be voted by any authority named in section eleven hundred and eighteen and for any purpose specified in sections eleven hundred and eighteen to eleven hundred and twenty inclusive, and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor till changed by further vote, and shall be levied and collected yearly, or as directed, as are other general taxes; and all money received from taxes or other sources for such library shall be kept as a separate library fund and expended only under direction of the library trustees on properly authenticated vouchers.

§ 1123. Trustees. Free public libraries established by action of the voters or their representatives shall be managed by trustees who shall have all the powers of trustees of other educational institutions of the university as defined in this chapter; provided, unless otherwise specified in the charter, that the number of trustees shall be five; that they shall be elected by the legal voters, except that in cities they shall be appointed by the mayor with the consent of the common council, from citizens of recognized fitness for such position; that the first trustees determine by lot whose term of office shall expire each year and that a new trustee shall be elected or appointed annually to serve for five years.

§ 1124. Incorporation. Within one month after taking office, the first board of trustees of any such free public library shall apply to the regents for a charter in accordance with the vote establishing the library.

§ 1125. Use of free public libraries. Every library established under section eleven hundred and eighteen of this chapter shall be forever free to the inhabitants of the locality which establishes it, subject always to rules of the library trustees, who shall have authority to exclude any person who wilfully violates such rules; and the trustees may, under such conditions as they think expedient, extend the privileges of the library to persons living outside such locality.

§ 1126. Reports. Every library or museum which receives state aid or enjoys any exemption from taxation or other privilege

not usually accorded to business corporations shall make the report required by section fifty-eight of this chapter, and such report shall relieve the institution from making any report now required by statute or charter to be made to the legislature, or to any department, court or other authority of the state. These reports shall be summarized and transmitted to the legislature by the regents with the annual reports of the state library and state museum.

§ 1127. Injuries to property. Whoever intentionally injures, defaces or destroys any property belonging to or deposited in any incorporated library, reading-room, museum or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

§ 1128. Detention. Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or other property may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars, or by imprisonment in the jail not exceeding six months, and the said notice shall bear on its face a copy of this section.

§ 1129. Transfer of libraries. Any corporation, association, school district or combination of districts may, by legal vote duly approved by the regents, transfer, conditionally as provided in section eleven hundred and nineteen of this article, or otherwise, the ownership and control of its library, with all its appurtenances, to any municipality, or district, or public library in the university, or any designated branch thereof, and thereafter such transferee shall be entitled to receive any money, books or other property from the state or other sources, to which the transferring body would have been entitled but for such transfer, and the trustees or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred.

§ 1130. Local neglect. If the local authorities of any library supported wholly or in part by state money, fail to provide for the support and public usefulness of its books, the regents shall in writing notify the trustees of said library what is neces-

sary to meet the state's requirements, and on such notice all its rights to further grants of money or books from the state shall be suspended until the regents certify that the requirements have been met; and if said trustees shall refuse or neglect to comply with such requirements within sixty days after service of such notice, the regents may remove them from office and thereafter all books and other library property wholly or in part paid for from state money shall be under the full and direct control of the regents who, as shall seem best for public interests, may appoint new trustees to carry on the library, or may store it, or distribute its books to other libraries.

§ 1131. Loans of books from state. Under such rules as the regents may prescribe, they may lend from the state library, duplicate department, or from books specially given or bought for this purpose, selections of books for a limited time to any public library in this state under visitation of the regents, or to any community not yet having established such library, but which has conformed to the conditions required for such loans.

§ 1132. Advice and instruction from state library officers. The trustees or librarian or any citizen interested in any public library in this state shall be entitled to ask from the officers of the state library any needed advice or instruction as to a library building, furniture and equipment, government and service, rules for readers, selecting, buying, cataloguing, shelving, lending books, or any other matter pertaining to the establishment, reorganization or administration of a public library. The regents may provide for giving such advice and instruction either personally or through printed matter and correspondence, either by the state library staff or by a library commission of competent experts appointed by the regents to serve without salary. The regents may, on request, select or buy books, or furnish them instead of money apportioned, or may make exchanges and loans through the duplicate department of the state library. Such assistance shall be free to residents of this state as far as practicable, but the regents may, in their discretion, charge a proper fee to nonresidents or for assistance of a personal nature or for other reason not properly an expense to the state, but which may be authorized for the accommodation of users of the library.

§ 1133. Apportionment of public library money. Such sum as shall have been appropriated by the legislature as public library money shall be paid annually by the treasurer,

on the warrant of the comptroller, from the income of the United States deposit fund, according to an apportionment to be made for the benefit of free libraries by the regents in accordance with their rules and authenticated by their seal; provided, that none of this money shall be spent for books except those approved or selected and furnished by the regents; that no locality shall share in the apportionment unless it shall raise and use for the same purpose not less than an equal amount from taxation or other local sources; that for any part of the apportionment not payable directly to the library trustees the regents shall file with the comptroller proper vouchers showing that it has been spent in accordance with law exclusively for books for free libraries or for proper expenses incurred for their benefit; and that books paid for by the state shall be subject to return to the regents whenever the library shall neglect or refuse to conform to the ordinances under which it secured them.

§ 1134. Abolition. Any library established by public vote or action of school authorities, or under section eleven hundred and eighteen of this chapter, may be abolished only by a majority vote at a regular annual election, ratified by a majority vote at the next annual election. If any such library is abolished its property shall be used first to return to the regents, for the benefit of other public libraries in that locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use. After such return any remaining property may be used as directed in the vote abolishing the library, but if the entire library property does not exceed in value the amount of such gifts it may be transferred to the regents for public use, and the trustees shall thereupon be free from further responsibility. No abolition of a public library shall be lawful till the regents grant a certificate that its assets have been properly distributed and its abolition completed in accordance with law.

§ 1135. Use and care of school library. The school library shall be a part of the school equipment and shall be kept in the school building at all times, and shall not be used as a circulating library, except as the rules fixed by the commissioner of education shall allow, but no person shall be allowed to borrow more than one volume at a time and shall not keep the same more than two weeks. The board of education or trustees shall appoint a teacher of the schools under their charge as librarian, who, with the trustees, shall be responsible for the safety and proper care of the books, and shall annually, and whenever required, make

such reports concerning the library as the commissioner of education may direct.

§ 1136. Existing rules continued in force. All existing provisions of law and rules established by the superintendent of public instruction or by the commissioner of education for the management of district libraries shall hold good as to the management of school libraries till altered by or in pursuance of law.

§ 1137. Authority to raise and receive money for school library. Each city and school district in the state is hereby authorized to raise moneys by tax in the same manner as other school moneys are raised, or to receive moneys by gift or devise, for starting, extending or caring for the school library.

§ 1138. Authority to transfer school library property to free public library. Any board of education in any city or union free school district, or any duly constituted meeting in any other district, is hereby authorized to give any or all of its books or other library property to any township or other free public library under state supervision, or to aid in establishing such free public library, provided it is free to the people of such city or district. A receipt from the officers of the said free public library, and an approval of the transfer under seal by the regents of the university, shall forever thereafter relieve the said school authorities of further responsibility for the said library and property so transferred.

§ 1139. Transfer of property not in charge of librarian. Any books or other library property belonging to any district library, and which have not been in direct charge of a librarian duly appointed within one year, may be taken and shall thereafter be owned by any public library under state supervision, which has received from the regents of the university written permission to collect such books or library property, and to administer the same for the benefit of the public; provided, that said books or other library property shall be found in the territory for which such public library is maintained, as defined in its charter or in the permission granted by the regents; and further provided, that, on written request of the school authorities, any dictionaries, cyclopedias and pedagogic books shall be placed in the school library of the district to which such books originally belong.

§ 1140. Provision for change to circulating library. The public shall not be entitled to use any library, now or here-

after in the custody of the school authorities, but said authorities may appoint three trustees who shall have the powers, duties and responsibilities of trustees of public libraries incorporated by the regents, and thereafter the school authorities may transfer to the custody of said trustees for the purposes of a circulating library any of their library property as provided in section eleven hundred and thirty-eight.

§ 1141. Penalty for disobedience to library law, rules or orders. The commissioner of education is hereby authorized to withhold its share of public school moneys from any city or district which uses school library moneys for any other purpose than that for which they are provided, or for any wilful neglect or disobedience of the law or the rules or orders of said commissioner in the premises.

ARTICLE 45

Court Libraries

Section 1160. Court of appeals libraries.
1161. Court of appeals judges' law libraries.
1162. Appellate division libraries.
1163. Appellate division library, first department.
1164. Appellate division library, fourth department.
1165. Supreme court libraries.
1166. Supreme court library at New York.
1167. Supreme court library in borough of Brooklyn.
1168. Supreme court library at Newburgh.
1169. Joseph F. Barnard memorial library at Poughkeepsie.
1170. Supreme court library at Kingston.
1171. Supreme court library at Saratoga.
1172. Supreme court library at Utica.
1173. Supreme court library at Binghamton.
1174. Supreme court library at Delhi.
1175. Supreme court library at Elmira.
1176. David L. Follett memorial library at Norwich.
1177. Supreme court library at Buffalo.
1178. Supreme court library at White Plains.
1179. Supreme court library at Troy.

§ 1160. Court of appeals libraries. 1. The consultation library of the court of appeals is continued. Said library

shall be under the exclusive supervision of that court and the chief judge may add thereto from any funds available.

2. The library of the court of appeals, located at the city of Syracuse, is continued. The regents of the university shall appoint a suitable person to be librarian of the said library, who shall receive an annual salary of three thousand dollars, to be paid by the comptroller in monthly instalments, upon the certificate of a justice of the supreme court residing in the city of Syracuse, which said amount shall be levied and assessed by the comptroller, one-half upon the county of Onondaga, and the residue thereof upon the several remaining counties constituting the fifth judicial district, in proportion to the assessed valuation of the real and personal property in said counties. Said librarian shall appoint an assistant librarian and such other assistants as shall be determined by the board of supervisors of said county of Onondaga, who shall be paid by said county of Onondaga a salary or salaries to be fixed by said board of supervisors of said county. The said library shall be maintained as a free public library for the use of the people of the state, the supreme court of the fifth judicial district and the local courts of the county of Onondaga and city of Syracuse. Such library shall be kept in the court-house of Onondaga county and without expense to the state, except for the purchase of books, binding and repair of books. The regents of the university shall frame and establish suitable rules and regulations for the use of the books in such library, and shall add to and amend the same as shall be necessary.

§ 1161. Court of *appeals' judges' law libraries. The law libraries of the judges of the court of appeals are continued. Each judge has sole custody and control of the library assigned to him and on expiration of his term of office shall deliver it to his successor. He may add to it from any funds available.

§ 1162. Appellate division libraries. The libraries heretofore established for the appellate divisions of the supreme court are continued. They are under exclusive supervision of the respective appellate divisions. The justices of the court shall be trustees thereof who shall continue to be vested with all the powers with regard thereto now possessed by said justices.

§ 1163. Appellate division library, first department. The law library of the appellate division of the first department shall be kept in the court-house thereof, and shall

* So in original.

be in the care and custody and under the control of the justices of the appellate division of said first department, who shall be the trustees thereof. The said trustees may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for injury to said library. They may appoint a librarian and an assistant librarian and fix their salaries, the former at not to exceed the sum of four thousand dollars per annum, and the latter at not to exceed the sum of three thousand dollars per annum. The said librarian shall, in addition to the duties now performed by him, perform such duties in relation to the custody and distribution of stationery and other supplies furnished for the use of the appellate division of said first department and of the supreme court in the first judicial department as said justices of said appellate division shall direct. The said trustees may procure furniture for said library and shall defray all the expenses incidental to its care and management. They shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of estimate and apportionment, who shall provide for raising and paying the same.

§ 1164. Appellate division library, fourth department. The law library of the appellate division of the fourth department shall be kept in the court-house of Monroe county and without expense to the state for heat, light, janitor service, furniture, stationery supplies, binding and repair of books, which shall be provided by said county. This library shall be maintained as a free public library for the use of the people of the state, the appellate division of the supreme court in the fourth judicial department, the supreme court of the seventh judicial district and the local courts at Rochester. The consultation library heretofore provided for the appellate court shall be a part of this library but shall remain in the justices' chambers for their own personal use. The librarian of said library and an assistant librarian and their successors shall be appointed and may be removed at pleasure by the justices of the appellate division of the supreme court in the fourth judicial department. The librarian shall be paid an annual salary of three thousand dollars, to be paid in monthly instalments by the state comptroller which shall be levied and assessed by him upon the counties constituting the fourth judicial department, and the assistant librarian shall be paid by the county of Monroe, a salary to be fixed by the board of super-

visors of said county. A certificate of the appointment of the librarian, signed by the presiding justice of the fourth judicial department, shall be filed with the comptroller of the state.

§ 1165. Supreme court libraries. The following supreme court law libraries are continued:

1. In the first judicial district the library formed by the consolidation of the libraries of the superior court of the city of New York and the court of common pleas of said city and county.

2. In the second judicial district the libraries at the borough of Brooklyn and at Newburgh and the Joseph F. Barnard memorial law library at Poughkeepsie.

3. In the third judicial district the library at Kingston and the library at Troy.

4. In the fourth judicial district the library at Saratoga Springs.

5. In the fifth judicial district the library at Utica.

6. In the sixth judicial district the libraries at Binghamton, Delhi and Elmira, and the David L. Follett memorial library at Norwich.

7. In the eighth judicial district the library at Buffalo.

8. In the ninth judicial district the library at White Plains.

§ 1166. Supreme court library at New York. The assistant to the librarian of the law library of the appellate division of the first department shall act as the librarian of the law library of the supreme court of the first district.

§ 1167. Supreme court library in borough of Brooklyn. The supreme court library in the borough of Brooklyn shall be under the care and management of the trustees of the law library of the borough of Brooklyn; subject, however, to such orders, rules and regulations, touching the same, as may be made, from time to time, by a majority of the justices of the supreme court, residing in said district. All appropriations made for said library, shall be paid to the said trustees, to be by them disbursed in the purchase of books for said library. The said trustees may make rules and regulations for the management and protection of said library, and prescribe penalties for the violation thereof; they may sue for and recover such penalties, and may maintain actions for injuries to said library, and may procure proper furniture for said library, hire suitable rooms, employ a librarian, provide fuel and lights, and defray all the incidental expenses of the care and management of said library; they shall yearly ascertain the amount necessary for the aforesaid purposes,

and certify it to the board of estimate and apportionment of the city of New York, who shall pay the same. They shall yearly make a report to the regents of the university, of the additions made to said library during the preceding year.

§ 1168. Supreme court library at Newburgh. The second judicial district law library at Newburgh shall be in charge of and under the care of the trustees of the Orange county referee law library association, and shall be governed by such rules as said trustees with the approval of a justice of the supreme court of the second judicial district may prescribe. The board of supervisors of Orange county shall, subject to the approval of a justice of the supreme court of said district, provide suitable and proper rooms in which said library shall be placed and kept, and the annual rent of said rooms and the necessary expense of care for said library shall be a county charge payable by the treasurer of said county upon vouchers approved by a justice of the supreme court of said district.

The said trustees shall appoint a librarian for such library, who shall hold office during their pleasure. Such librarian shall receive an annual salary not to exceed six hundred dollars, which shall be paid to him quarterly by the treasurer of the county of Orange, out of money appropriated for the court expenses in said county.

It shall be the duty of said trustees to effect an insurance upon said library, the cost whereof shall be paid in like manner by the comptroller of the state of New York upon a certificate, from the appropriations that may be from time to time made for the maintenance of said library. Such insurance shall be made in the name of the people of the state of New York, and in case of loss the amount thereof shall be expended in the purchase of new books for said library, in the same manner that the original appropriations were used for that purpose.

§ 1169. Joseph F. Barnard memorial library at Poughkeepsie. The Joseph F. Barnard memorial library located in the Dutchess county court-house at Poughkeepsie shall be under the care and management of a board of trustees, which board shall consist of five members. The trustees now in office shall continue to serve for the terms for which they were appointed. At the expiration of such terms the governor shall appoint their successors, each of whom shall serve for five years and until his successor is appointed. Such appointment shall be made from among the members of the Dutchess county bar who shall have

practiced law for at least ten years. Said board of trustees shall have power to receive by gift or bequest any property for the purpose of a law library and hold and manage the same, and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or property connected therewith. They may procure proper furniture for said library and defray all the expenses of the care and management of said library, including insurance, and the amounts required therefor shall be paid by the treasurer of the county of Dutchess upon the certificate of a justice of the supreme court of the second judicial district or of the county judge of Dutchess county, out of the moneys raised in said county for court and jury expenses, which sums as well as the salary of the librarian hereinafter specified shall be a county charge upon the county of Dutchess. All appropriations made for said library shall be paid by the treasurer of the state to said trustees to be by them or by a majority of them disbursed for the purchase of books for said library and for the necessary rebinding of the same.

The librarian of the Joseph F. Barnard memorial law library shall be appointed by said board and shall hold office at the pleasure of said board. The salary of said librarian shall be fixed by the board of supervisors of the county of Dutchess and shall be paid quarterly on the first days of January, April, July and October in each year by the treasurer of the county of Dutchess out of the moneys raised in said county for court and jury expenses upon the certificate of the Dutchess county judge. Said librarian shall be subject to the direction of the said board and shall be governed by such rules as it shall from time to time establish.

§ 1170. Supreme court library at Kingston. The justice of the supreme court residing in the city of Kingston is hereby authorized from time to time to appoint a librarian to take charge of the law library of the third judicial district, located at Kingston, who shall be paid a salary of six hundred dollars per year, the amount to be payable upon the certificate of said justice out of the moneys raised in the county of Ulster for court expenses by the treasurer thereof, upon the presentation of such certificate.

It shall also be the duty of said justice, so residing at Kingston, to effect an insurance upon said library, the cost whereof shall be

paid in like manner by the comptroller of the state of New York upon a like certificate. Such insurance shall be made in the name of the people of the state of New York, and in case of loss the amount thereof shall be expended in the purchase of new books for said library, in the same manner that the original appropriations were used for that purpose.

§ 1171. Supreme court library at Saratoga. The justices of the supreme court of the fourth judicial district for the time being shall be ex officio trustees of the supreme court library at Saratoga, and the same shall be under the care and management of the said trustees; and it shall be the duty of the said justices, by a majority of their said number, from time to time to make orders, rules and regulations touching the care, management, protection and due preservation of the said library, and prescribe penalties for the violation thereof, and they may sue for and recover such penalties for violation thereof, and may maintain actions for injuries to said library. They may procure proper furniture for said library, hire suitable rooms, appoint a suitable librarian, provide fuel and lights, and defray all incidental expenses of the care and management of the said library.

All appropriations made for said library shall be paid to said trustees, to be by them disbursed in the purchase of books for said library. The said trustees shall report annually to the trustees of the state library the catalogue of books in the said library, and the state and condition thereof. The trustees of the state library are hereby authorized to place in said library any duplicates of books in their possession not needed in the state library.

§ 1172. Supreme court library at Utica. A justice of the supreme court residing in the city of Utica, if there be a resident justice in said city, and if not, a justice of the supreme court residing in the county of Oneida, is hereby authorized to appoint from year to year beginning September first, nineteen hundred and eight, a librarian to take charge of the law library in the fifth judicial district, located in the city of Utica, who shall be paid a salary to be fixed by said judge not exceeding one thousand dollars per year. The said judge may also appoint an assistant librarian if in his judgment such assistant is necessary, who shall hold office during the pleasure of said judge, and who shall be paid a salary fixed by him not exceeding six hundred dollars per year. Said salaries shall be payable on the certificate of the said justice of the supreme court residing in the city of Utica, if there be such justice, and if not, on the certificate of a

justice of the supreme court residing in the fifth judicial district, out of the moneys raised in the county of Oneida for court expenses by the treasurer thereof, upon the presentation of such certificate.

§ 1173. Supreme court library at Binghamton. All books purchased for the supreme court library, located at Binghamton, under and in pursuance of the laws of the state relating thereto shall be purchased by the justice of the supreme court residing at that place, or if there be no justice there, then by the justice residing nearest to the city of Binghamton. The books so purchased shall be paid for on the order of such justice.

The librarian of such library shall be appointed by said justice, and shall hold office during his pleasure. The salary of said librarian shall be paid monthly in each year, and the amount thereof shall be fixed in the month of October in each year for the following year by said justice, which shall be paid by the county of Broome, but shall not exceed six hundred dollars in any one year. Said librarian shall be subject in all respects to the direction of said justice, and shall be governed by such rules and regulations as he shall make from time to time.

The board of supervisors of Broome county shall provide a suitable room or rooms and suitable cases in the court-house at Binghamton for said supreme court library. The contingent expenses of said library, except for the purchase of books, shall be paid as heretofore by the county of Broome; which contingent expenses must be first certified to be correct by one of said justices or by the county judge of said county. Said court may have said library insured for the benefit of said library and the policies made payable to the clerk of the county of Broome and any insurance money received shall be invested and shall be paid out by said clerk under the orders of the justice of the supreme court charged with the purchase of books for said library, in restoring said library, in purchasing additional books therefor and in paying expenses necessarily incurred by reason of a fire in removing and caring for said library and in adjustment of the loss under the policies of insurance thereon.

The librarian of said library shall, upon the written request of any justice of the supreme court of such district, send to said justice any of the books contained in said library, and pay the charges for sending and returning the same. The sum so paid by him shall be repaid to him out of any moneys appropriated for the support or maintenance of said library, upon being duly

certified by a majority of the justices of the supreme court of said district.

§ 1174. Supreme court library at Delhi. The justices of the supreme court of the sixth judicial district, or a majority of them, shall appoint a librarian for the supreme court library, located at Delhi, Delaware county, which librarian shall hold his office during the pleasure of said justices. Such appointment shall be in writing and signed by a majority of said justices and filed in the office of the clerk of Delaware county. The salary of such librarian shall be five hundred dollars per annum, and shall be paid in quarterly payments of one hundred and twenty-five dollars each, on the last day of each of the months of March, June, September and December of each year, by the county treasurer of the county of Delaware, from the funds in his hands as such treasurer. Said librarian shall be subject to the directions of said justices, and shall be governed by such rules and regulations as they shall make from time to time.

§ 1175. Supreme court library at Elmira. The supreme court library at Elmira shall be under the care and management of a board of trustees which board shall consist of three members who shall be appointed by the governor from among the members of the Chemung county bar who shall have practiced law for at least ten years. At the expiration of the terms of the trustees now in office the governor shall appoint their successors, each of whom shall serve for three years and until his successor is appointed. All appropriations made for said library shall be paid to said trustees, to be by them or a majority of them disbursed in the purchase of books for said library. The said trustees may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties, and may maintain actions for injuries to said library. They may procure proper furniture for said library; hire suitable rooms; provide fuel and lights; and defray all the incidental expenses of the care and management of said library, including the insurance thereof. The amounts required therefor shall be paid by the treasurer of the county of Chemung, upon the certificate of the resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court of the district, out of the moneys raised in said county for court expenses, which sums, as well as the salary of the librarian hereafter specified, shall be a county charge upon said county of Chemung.

The librarian of said library shall be appointed by said board, and shall hold office during the pleasure of said board. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by said board, but such salary shall not exceed six hundred dollars in any year, and the same shall be paid by the treasurer of the county of Chemung out of the moneys raised in said county for court expenses, upon the certificate of the resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court in the district. Said librarian shall be subject to the directions of said board and shall be governed by such rules as it shall from time to time make.

§ 1176. David L. Follett memorial library at Norwich. The supreme court library at Norwich, known as "The David L. Follett Memorial Library" shall be under the care and management of a board of trustees which board shall consist of five members who shall be appointed by the governor from among the members of the Chenango county bar who shall have practiced law for at least ten years. At the expiration of the terms of the trustees now in office the governor shall appoint their successors, each of whom shall serve for five years and until his successor is appointed. The said board of trustees shall have power to receive by gift or devise, any property conveyed for the purpose of a law library and hold and manage the same and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or its property. They may procure proper furniture for said library; hire suitable rooms; provide fuel and lights, and defray all the incidental expenses of the care and management of said library, including the proper insurance thereof. The amounts required therefor shall be paid by the treasurer of the county of Chenango, upon the certificate of a resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court of the sixth judicial district, out of the moneys raised in said county for court expenses, which sums as well as the salary of the librarian hereinafter specified, shall be a county charge upon said county of Chenango. All appropriations made for said library shall be paid by the treasurer of the state to said trustees, to be by them or by a majority of

them disbursed in the purchase of books for said library and for the necessary rebinding of the same.

The librarian of the said library shall be appointed by said board, and shall hold office during the pleasure of said board. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by said board, but such salary shall not exceed five hundred dollars in any year, and the same shall be paid by the treasurer of the county of Chenango out of the moneys raised in said county for court expenses upon the certificate of the resident justice of the supreme court, if there be one; and if not upon the certificate of any justice of the supreme court in said district. Said librarian shall be subject to the direction of the said board and shall be governed by such rules as it shall from time to time establish and ordain.

§ 1177. Supreme court library at Buffalo. The supreme court library at Buffalo shall be under the care and management of the present trustees and four counselors-at-law, residents of the city of Buffalo, of at least ten years' standing at the bar, to be appointed by the appellate division of the supreme court, fourth department, and their successors in office; who shall be known as trustees of the law library of the eighth judicial district. In case of a vacancy in said board of trustees it shall be filled at a term of the appellate division of the supreme court of the fourth judicial department, by the judges thereof, subject, however, to such orders, rules and regulations touching the same as may be made from time to time by a majority of the justices of the supreme court residing in said district. All appropriations made for said library shall be paid to the said trustees, to be by them disbursed in the purchase of books for said library. The said trustees may make rules and regulations for the management and protection of said library, and prescribe penalties for the violation thereof; and may sue for and recover such penalties, and may maintain actions for injuries to said library; they may procure proper furniture for said library, hire suitable rooms, employ a librarian, provide fuel and lights, and defray all the incidental expenses of the care and management of said library; they shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of supervisors of Erie county, who shall pay the same. They shall yearly make a report to the regents of the university of the state of said library.

§ 1178. Supreme court library at White Plains. The supreme court library at White Plains shall be under the care and management of a board of trustees, which board shall consist of five members, who shall be appointed by the governor, from among the members of the Westchester county bar, who have practiced law for at least ten years. At the expiration of the terms of the members of said board of trustees now in office the governor shall appoint successors to said trustees, who shall serve for five years and until their successors have been appointed. The said board of trustees shall have power to receive by gift, devise or bequest any property given or conveyed for the purpose of a law library, and hold and manage the same, and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or its property. They may procure proper furniture for said library; hire suitable rooms, provide fuel and lights and defray all the incidental expenses of the care and management of said library including the proper insurance thereof. The amounts required therefor shall be paid by the treasurer of the county of Westchester, upon the certificate of a resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court of the ninth judicial district, out of the moneys raised in said county for court expenses, which sums, as well as the salary of the librarian hereinafter specified, shall be a county charge upon said county of Westchester. All appropriations made by the state for said library for purposes not hereinbefore otherwise provided for shall be paid by the treasurer of the state, upon the warrant of the comptroller, to said trustees to be by them, or a majority of them, disbursed in the purchase of books for said library and for maintenance and supplies. The librarian of said library, who shall be a regularly admitted attorney and counselor-at-law who has practiced law for at least five years, shall be appointed by said board of trustees and shall hold office during the pleasure of said board. The amount of the salary of said librarian shall be fixed by said board of trustees, and shall be paid in monthly instalments by the treasurer of the county of Westchester out of the moneys raised in said county for court expenses, upon the certificate of a resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court of the ninth judicial district. Said librarian shall be subject to the direction of the

said board of trustees and shall be governed by such rules as it shall from time to time establish and ordain.

§ 1179. Supreme court library at Troy. The supreme court library at Troy shall be under the care and management of a board of trustees, which board shall consist of three members, who shall be appointed by the governor from among the members of the Rensselaer county bar, who shall have practiced law in said county for at least ten years. At the expiration of the terms of the members of said board of trustees now in office the governor shall appoint successors to said trustees who shall serve for three years and until their successors have been appointed. The said board of trustees shall have power to receive, by gift or devise, any property conveyed for the purpose of a law library and hold and manage the same and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or its property. They may procure proper furniture for said library; and defray all the incidental expenses of the care and management of said library, including insurance thereof and telephone service. The amounts required therefor shall be paid by the treasurer of the county of Rensselaer, upon the certificate of a resident justice of the supreme court, if there be one, and if not upon the certificate of any justice of the supreme court of the third judicial district, out of the moneys raised in said county for court expenses, which sums as well as the salary of the librarian hereinafter specified, shall be a county charge upon said county of Rensselaer. All appropriations made for said library shall be paid by the treasurer of the state to said trustees to be by them or by a majority of them disbursed in the purchase of books for said library and for the necessary rebinding of the same. The board of supervisors of Rensselaer county shall provide within the court house in the city of Troy, suitable rooms for said library, and shall provide heat and light therefor. The librarian of the supreme court library at Troy shall be appointed by said board, and shall hold office during the pleasure of said board. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by said board, and the same shall be paid by the treasurer of the county of Rensselaer out of the moneys raised in said county for court ex-

penses upon the certificate of the resident justice of the supreme court, if there be one; and if not upon the certificate of any justice of the supreme court in said district. Said librarian shall be governed by such rules as it shall from time to time establish and ordain.

ARTICLE 46

Laws Repealed; Saving Clause; When to Take Effect

Section 1190. Laws repealed.
1191. Saving clause.
1192. When to take effect.

§ 1190. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 1191. Saving clause. Nothing herein contained shall be construed to impair or in any manner affect or change any special law touching the schools or school system of any city or incorporated village unless the same is so stated.

§ 1192. When to take effect. This chapter shall take effect immediately.

SCHEDULE OF LAWS REPEALED.

Revised Statutes....	Part 1, chapter 9, title 8	All
Revised Statutes....	Part 1, chapter 15, title 1	All
Revised Statutes....	Part 1, chapter 15, title 2	All
Revised Statutes....	Part 1, chapter 15, title 3	All
Revised Statutes....	Part 1, chapter 15, title 4	All
Revised Statutes....	Part 1, chapter 15, title 5	All

Laws of	Chapter	Section
1784.....	51.....	All (7th Sess.)
1784.....	15.....	All (8th Sess.)
1787.....	82.....	All
1791.....	45.....	All
1795.....	75.....	All
1796.....	49.....	All
1797.....	34.....	All
1798.....	48.....	All
1801.....	189.....	3

Laws of	Chapter	Section
1801.....	195.....	28
1802.....	30.....	All
1807.....	135.....	All
1808.....	218.....	All
1809.....	156.....	4
1810.....	85.....	10
1811.....	246.....	53, 54
1812.....	131.....	All
1812.....	242.....	All
1813.....	52.....	All
1813.....	100.....	All
R. L. 1813...	59.....	All
R. L. 1813...	82.....	17
1814.....	27.....	All
1814.....	192.....	All
1815.....	207.....	All
1815.....	252.....	All
1816.....	202.....	All
1817.....	89.....	All
1818.....	276.....	All
1819.....	161.....	All
1819.....	164.....	All
1819.....	239.....	All
1820.....	224.....	All
1821.....	48.....	All
1821.....	61.....	All
1821.....	73.....	All
1821.....	240.....	2
1822.....	234.....	All
1822.....	256.....	All
1823.....	189.....	All
1823.....	193.....	All
1823.....	269.....	27
1824.....	131.....	All
1824.....	239.....	22
1824.....	276.....	9
1825.....	166.....	1–3, 5
1825.....	203.....	All
1826.....	30.....	All
1827.....	97.....	2–4
1827.....	293.....	All

Laws of	Chapter	Section
1828.....	21.....	1, ¶¶ 227, 267, 282, 411, 418, 442, 500, 524 (2d meet.)
1829.....	287.....	2–9
1829.....	376.....	5
1830.....	170.....	All
1830.....	219.....	All
1830.....	240.....	16, pt. affecting R. S., Pt. 1, Ch. 15, Tit. 2, Art. 1, § 3
1830.....	284.....	2
1830.....	320.....	5–7
1831.....	44.....	All
1831.....	142.....	All
1831.....	206.....	All
1832.....	223.....	All
1832.....	299.....	All
1832.....	317.....	All
1833.....	19.....	All
1833.....	109.....	All
1834.....	140.....	All
1834.....	241.....	All
1835.....	34.....	All
1835.....	80.....	All
1835.....	123.....	All
1835.....	138.....	1
1835.....	308.....	All
1836.....	142.....	All
1836.....	226.....	1–3
1836.....	228.....	2–4
1836.....	399.....	4
1836.....	511.....	3
1837.....	200.....	All
1837.....	241.....	All
1837.....	298.....	All
1838.....	244.....	All
1839.....	177.....	All
1839.....	200.....	All
1839.....	226.....	All
1839.....	315.....	1, 2
1839.....	330.....	All
1840.....	174.....	2
1840.....	366.....	All

Laws of	Chapter	Section
1840.....	381.....	All
1841.....	163.....	All
1841.....	260.....	All
1842.....	142.....	All
1842.....	150.....	4
1842.....	273.....	All
1843.....	85.....	All
1843.....	133.....	All
1844.....	234.....	All
1844.....	254.....	All
1844.....	255.....	All
1844.....	261.....	All
1844.....	311.....	All
1844.....	320.....	50, pt. repealing L. 1842, Ch. 150
1845.....	14.....	2
1845.....	85.....	All
1845.....	179.....	All
1846.....	45.....	All
1846.....	66.....	All
1846.....	132.....	All
1846.....	186.....	All
1846.....	323.....	All
1847.....	50.....	All
1847.....	172.....	All
1847.....	190.....	All
1847.....	208.....	3
1847.....	211.....	All
1847.....	212.....	All
1847.....	273.....	All
1847.....	358.....	All
1847.....	361.....	All
1847.....	388.....	All
1847.....	443.....	All
1847.....	480.....	All
1847.....	485.....	All
1848.....	262.....	2–4
1848.....	318.....	All
1849.....	140.....	All
1849.....	175.....	All
1849.....	266.....	All

Laws of	Chapter	Section
1849.....	300.....	All
1849.....	382.....	1–12, 14–16
1849.....	388.....	All
1849.....	404.....	All
1850.....	7.....	All
1850.....	51.....	1
1850.....	89.....	All
1850.....	184.....	All
1850.....	261.....	All
1850.....	360.....	All
1850.....	378.....	All
1851.....	151.....	All
1851.....	425.....	All
1851.....	449.....	All
1851.....	500.....	All
1851.....	544.....	All
1852.....	97.....	All
1852.....	333.....	2–4
1852.....	366.....	All
1853.....	78.....	All
1853.....	115.....	All
1853.....	184.....	All
1853.....	185.....	All
1853.....	402.....	All
1853.....	433.....	All
1853.....	491.....	All
1854.....	80.....	All
1854.....	97.....	All
1854.....	167.....	All
1854.....	228.....	All
1854.....	272.....	1–3
1855.....	18.....	All
1855.....	50.....	All
1855.....	91.....	All
1855.....	178.....	All
1855.....	410.....	All
1855.....	471.....	1–3
1855.....	539.....	1 pt. relating to indigent blind
1856.....	51.....	All
1856.....	71.....	All
1856.....	168.....	All

Laws of	Chapter	Section
1856.....	179.....	All
1856.....	180.....	All
1856.....	186.....	All
1857.....	51.....	3, 4
1857.....	527.....	All
1858.....	151.....	All
1858.....	290.....	All
1859.....	230.....	All
1859.....	278.....	All
1859.....	395.....	All
1859.....	426.....	All
1860.....	314.....	All
1860.....	402.....	All
1860.....	456.....	All
1862.....	351.....	All
1862.....	384.....	All
1862.....	450.....	All
1863.....	325.....	All
1863.....	378.....	All
1863.....	401.....	All
1863.....	418.....	All
1863.....	463.....	All
1864.....	386.....	All
1864.....	555.....	All
1864.....	556.....	All
1864.....	583.....	All
1865.....	445.....	All
1865.....	585.....	All
1865.....	587.....	All
1865.....	647.....	All
1865.....	722.....	All
1866.....	78.....	All
1866.....	466.....	All
1866.....	520.....	All
1866.....	708.....	All
1866.....	800.....	All
1866.....	882.....	All
1867.....	84.....	All
1867.....	406.....	All
1867.....	583.....	All
1867.....	725.....	All

Laws of	Chapter	Section
1867.....	744.....	All
1867.....	763.....	All
1867.....	819.....	All
1869.....	18.....	All
1870.....	60.....	All
1870.....	166.....	All
1870.....	180.....	All
1870.....	492.....	2, commencing "The local boards" and ending "the respective schools"
1870.....	557.....	All
1870.....	565.....	All
1871.....	166.....	All
1871.....	329.....	All
1871.....	359.....	All
1871.....	548.....	All
1871.....	711.....	All
1871.....	746.....	All
1871.....	747.....	All
1872.....	392.....	All
1872.....	616.....	All
1872.....	654.....	All
1872.....	670.....	All
1873.....	463.....	All
1873.....	642.....	4–11
1874.....	45.....	All
1874.....	253.....	All
1874.....	421.....	All
1874.....	514.....	All
1875.....	176.....	All
1875.....	213.....	All
1875.....	322.....	All
1875.....	372.....	All
1875.....	567.....	All
1876.....	50.....	All
1876.....	132.....	All
1876.....	318.....	All
1876.....	372.....	All
1876.....	374.....	All
1877.....	33.....	All
1877.....	94.....	All

Laws of	Chapter	Section
1877.....	161.....	All
1877.....	163.....	All
1877.....	219.....	All
1877.....	413.....	All
1877.....	425.....	1–6
1878.....	173.....	All
1878.....	174.....	All
1878.....	248.....	All
1879.....	134.....	All
1879.....	264.....	All
1879.....	289.....	All
1879.....	396.....	All
1879.....	405.....	All
1880.....	9.....	All
1880.....	27.....	All
1880.....	210.....	All
1880.....	348.....	All
1880.....	355.....	All
1880.....	400.....	3
1880.....	455.....	All
1880.....	514.....	All
1880.....	527.....	All
1880.....	549.....	1, so far as amendatory of L. 1879, Ch. 272
1881.....	120.....	All
1881.....	223.....	All
1881.....	281.....	All
1881.....	377.....	All
1881.....	492.....	All
1881.....	528.....	All
1881.....	632.....	All
1881.....	675.....	All
1882.....	51.....	All
1882.....	115.....	All
1882.....	116.....	All
1882.....	147.....	All
1882.....	318.....	All
1882.....	319.....	All
1882.....	333.....	All
1882.....	381.....	All
1883.....	75.....	All

Laws of	Chapter	Section
1883.....	172.....	All
1883.....	250.....	All
1883.....	270.....	All
1883.....	275.....	All
1883.....	294.....	All
1883.....	328.....	All
1883.....	355.....	2–4
1883.....	413.....	All
1883.....	414.....	All
1883.....	423.....	All
1884.....	30.....	All
1884.....	49.....	All
1884.....	89.....	All
1884.....	179.....	All
1884.....	248.....	All
1884.....	413.....	All
1884.....	427.....	All
1885.....	58.....	All
1885.....	146.....	1
1885.....	340.....	1–11
1885.....	533.....	All
1886.....	121.....	All
1886.....	199.....	All
1886.....	292.....	All
1886.....	413.....	1, beginning "and it shall be the duty of" and ending "of the state"
1886.....	428.....	All
1886.....	493.....	All
1886.....	591.....	All
1886.....	595.....	All
1886.....	614.....	All
1886.....	615.....	All
1886.....	655.....	All
1887.....	14.....	All
1887.....	291.....	All
1887.....	318.....	All
1887.....	333.....	All
1887.....	334.....	All
1887.....	335.....	All
1887.....	538.....	All

Laws of	Chapter	Section
1887.....	540.....	All
1887.....	592.....	All
1887.....	602.....	All
1887.....	652.....	All
1887.....	672.....	All
1887.....	675.....	All
1887.....	709.....	All
1888.....	27.....	All
1888.....	196.....	All
1888.....	209.....	All
1888.....	331.....	All
1888.....	334.....	All
1888.....	337.....	All
1888.....	444.....	All
1888.....	533.....	All
1889.....	25.....	All
1889.....	77.....	1
1889.....	90.....	All
1889.....	137.....	All
1889.....	139.....	All
1889.....	142.....	All
1889.....	245.....	All
1889.....	328.....	All
1889.....	333.....	All
1889.....	517.....	All
1889.....	529.....	All
1890.....	73.....	All
1890.....	74.....	All
1890.....	170.....	All
1890.....	175.....	All
1890.....	197.....	All
1890.....	352.....	All
1890.....	431.....	All
1890.....	469.....	All
1890.....	524.....	All
1890.....	526.....	All
1890.....	534.....	All
1890.....	548.....	All
1891.....	303.....	All
1891.....	329.....	All
1891.....	377.....	All

Laws of	Chapter	Section
1892.....	36.....	All
1892.....	152.....	All
1892.....	214.....	All
1892.....	280.....	All
1892.....	352.....	All
1892.....	378.....	All
1892.....	573.....	All
1893.....	6.....	All
1893.....	58.....	All
1893.....	63.....	All
1893.....	484.....	All
1893.....	485.....	All
1893.....	488.....	All
1893.....	500.....	All
1893.....	636.....	All
1893.....	706.....	All
1894.....	127.....	All
1894.....	229.....	All
1894.....	443.....	All
1894.....	488.....	All
1894.....	556.....	All
1894.....	671.....	All
1895.....	87.....	All
1895.....	222.....	All
1895.....	223.....	All
1895.....	231.....	All
1895.....	232.....	All
1895.....	273.....	All
1895.....	274.....	All
1895.....	337.....	All
1895.....	341.....	2
1895.....	362.....	1, 2
1895.....	546.....	All
1895.....	550.....	All
1895.....	553.....	10
1895.....	563.....	All
1895.....	577.....	All
1895.....	630.....	All
1895.....	767.....	All
1895.....	768.....	All
1895.....	769.....	All

Laws of	Chapter	Section
1895.....	853.....	All
1895.....	859.....	All, except pt. amending L. 1892, Ch. 378, § 19, last two sentences
1895.....	988.....	All
1895.....	1031.....	All
1895.....	1041.....	All
1896.....	71.....	All
1896.....	156.....	All
1896.....	165.....	All
1896.....	177.....	All
1896.....	196.....	All
1896.....	238.....	All
1896.....	264.....	All
1896.....	434.....	All
1896.....	467.....	All
1896.....	493.....	All
1896.....	575.....	All
1896.....	586.....	All
1896.....	606.....	All
1896.....	646.....	All
1896.....	901.....	All
1897.....	97.....	All
1897.....	185.....	All
1897.....	195.....	All
1897.....	224.....	All
1897.....	293.....	All
1897.....	294.....	All
1897.....	466.....	All
1897.....	482.....	All
1897.....	495.....	All
1897.....	512.....	All
1897.....	689.....	All
1898.....	122.....	All
1898.....	223.....	All
1898.....	481.....	All
1898.....	649.....	All
1899.....	440.....	All
1899.....	489.....	All
1899.....	540.....	All
1900.....	22.....	All

Laws of	Chapter	Section
1900.....	258.....	All
1900.....	301.....	All
1900.....	481.....	All
1900.....	490.....	3
1900.....	492.....	All
1901.....	85.....	1
1901.....	201.....	All
1901.....	343.....	All
1901.....	480.....	All
1901.....	492.....	All
1901.....	498.....	All
1901.....	592.....	All
1901.....	644.....	1, part beginning "All persons" and ending "proper regulations"
1902.....	16.....	All
1902.....	32.....	All
1902.....	185.....	All
1902.....	316.....	All
1902.....	325.....	All
1902.....	393.....	All
1903.....	62.....	All
1903.....	112.....	All
1903.....	125.....	All
1903.....	175.....	All
1903.....	223.....	All
1903.....	233.....	All
1903.....	265.....	All
1903.....	289.....	All
1903.....	459.....	All
1903.....	463.....	All
1903.....	489.....	All
1903.....	576.....	All
1904.....	37.....	All
1904.....	40.....	All
1904.....	166.....	All
1904.....	254.....	All
1904.....	281.....	All
1904.....	305.....	All
1904.....	322.....	All
1904.....	390.....	All

Laws of	Chapter	Section
1904.....	424.....	All
1904.....	427.....	All
1904.....	677.....	All
1905.....	97.....	All
1905.....	119.....	All
1905.....	154.....	All
1905.....	161.....	All
1905.....	252.....	All
1905.....	258.....	All
1905.....	280.....	All
1905.....	311.....	All
1905.....	562.....	All
1905.....	563.....	All
1906.....	1.....	All
1906.....	58.....	All
1906.....	64.....	All
1906.....	150.....	All
1906.....	200.....	All
1906.....	218.....	All
1906.....	682.....	3, 4
1906.....	698.....	All
1907.....	103.....	All
1907.....	184.....	All
1907.....	186.....	All
1907.....	496.....	4
1907.....	585.....	All
1907.....	606.....	All
1907.....	608.....	All
1907.....	609.....	All
1908.....	79.....	All
1908.....	200.....	3
1908.....	201.....	2–4, 7
1908.....	202.....	All
1908.....	249.....	All
1908.....	263.....	1–5; 6, first sentence; 7
1908.....	304.....	All
1908.....	365.....	All
1908.....	476.....	All
1908.....	482.....	All
1908.....	499.....	All
1909.....	1.....	All

Laws of	Chapter	Section
1909.....	141.....	All
1909.....	252.....	All
1909.....	263.....	All
1909.....	404.....	All
1909.....	406.....	All
1909.....	409.....	All
1909.....	415.....	All

TABLE SHOWING DISPOSITION OF SECTIONS OF EDUCATION LAW (L. 1909, Ch. 21) IN AMENDATORY ACT OF 1910 (Ch. 140)

Section of act of 1909	Section of act of 1910
1.....	1
2.....	2
20 } ..	{ 120
21 } ..	{ 121
22.....	127
23.....	123
24.....	124
25.....	125
26.....	128, 133
27.....	129
28.....	130
29.....	131
30.....	132
31.....	134
32.....	135
33.....	136
34.....	137
35.....	138
36.....	139
37.....	140
38.....	141
39.....	142
40.....	144
41.....	143
42.....	145
43.....	146
44.....	147
45.....	148
46.....	149
47.....	150
48.....	151
49.....	152
60.....	170
61.....	171
62.....	172
80.....	190
81.....	191
82.....	192
83.....	193
84.....	194
85.....	196
86.....	197
87.....	195
88.....	198
89.....	199
90.....	200
91.....	201
92.....	202
93.....	203
94.....	204
95.....	205
96.....	206

Section of act of 1909	Section of act of 1910
97.....	207
110.....	450
111.....	451, 452
112.....	453
113.....	454
114.....	455
115.....	456
116.....	457
117.....	458
118.....	459
119.....	460
120.....	461
121.....	462
122.....	463
123.....	464
124.....	465
125.....	466
126.....	467
140.....	222
141.....	221
142.....	224
143.....	225
144.....	226
145.....	227
146.....	228
147.....	229
148.....	230
149.....	232
150.....	233
151.....	234
152.....	235
170.....	250
171.....	251
172.....	252
173.....	253
174.....	254
175.....	255
176.....	256
177.....	257
190.....	270
191.....	271
192.....	272
193.....	273
194.....	274
195.....	275, subds. 1–3, 5–11, 13; § 284
196.....	275, subds. 14–19
197.....	275, subd. 17
198.....	276
199.....	277
200.....	278
201.....	279
202.....	280
203.....	281
204.....	282
205.....	283
220.....	300
221.....	301
222.....	302
223.....	303
224.....	305
225.....	306
226.....	307
227.....	308
228.....	309
229.....	310
230.....	312
231.....	313
232.....	314
233.....	315
234.....	316
235.....	317
236.....	318
237.....	319
238.....	320
239.....	Repealed (See § 97.)
240.....	310, subd. 20
241.....	321
242.....	323

Section of act of 1909	Section of act of 1910	Section of act of 1909	Section of act of 1910
243.....	324	340.....	94, subd. 10
244.....	325	341.....	97–98
245.....	326	360.....	880
246.....	Repealed	361.....	881
247.....	327	362.....	882
248.....	328	380.....	410
260.....	340	381.....	411
261.....	341	382.....	412
280.....	360	383.....	413
281.....	361	384.....	414
282.....	362	385.....	415
283.....	363	386.....	440
284.....	364	387.....	440
285.....	365	387-a....	440
300.....	380	388.....	416
301.....	381	389.....	417
302.....	382	390.....	418
303.....	383	391.....	419
304.....	384	392.....	420
305.....	385	393.....	421
306.....	386	394.....	422
307.....	387	395.....	423
308.....	388	396.....	424
309.....	389	397.....	425
310.....	390	398.....	426
311.....	391	399.....	427
312.....	392	400.....	428
313.....	393	401.....	429
314.....	394	402.....	430
315.....	395	403.....	431
330.....	90–93	404.....	432
331.....	94	405.....	433
332.....	25	406.....	434
333.....	Repealed	407.....	435
334.....	Repealed	408.....	436
335.....	26	409.....	437
336.....	94, subd. 7	410.....	438
337.....	94, subd. 8	411.....	439
338.....	95	430.....	480
339.....	94, subd. 9	450.....	490

Section of act of 1909	Section of act of 1910	Section of act of 1909	Section of act of 1910
451.....	491	536.....	633, 634
452.....	492	537.....	635
453.....	493	538.....	636
454.....	494	550.....	550
455.....	495	551.....	551
456.....	496	552.....	553, 554
457.....	497	553.....	555
458.....	498	554.....	556
459.....	499	555.....	557
460.....	500	556.....	558
461.....	501	557.....	559
462.....	502	558.....	560
480.....	520	559.....	Repealed
481.....	521	560.....	Repealed
482.....	522	561.....	Repealed
483.....	523	562.....	561
484.....	524	563.....	562
485.....	525	564.....	563
486.....	526	565.....	564
487.....	527	566.....	565
488.....	528	567.....	566
500.....	850	568.....	567
501.....	851	580.....	670
502.....	852	581.....	671
503.....	853	582.....	672
504.....	854	583.....	673
505.....	855	600.....	580–585
506.....	856	601.....	586
507.....	857	602.....	Repealed
508.....	858	620.....	770
509.....	859	621.....	771
510.....	860	622.....	454
511.....	861	623.....	772, 774
512.....	862	624.....	Repealed
530.....	621, 622, 623	625.....	773
531.....	624, 625	626.....	775
532.....	626, 627	640.....	790
533.....	628	641.....	791
534.....	629, 630, 631	642.....	792
535.....	632	643.....	Repealed

Section of act of 1909	Section of act of 1910
644.....	793
645.....	794
660.....	810
661.....	811
662.....	812, 813, 814
663.....	815
664.....	816, 817
665.....	818
666.....	819
667.....	820
668.....	821
669.....	822
670.....	823
671.....	824
672.....	825
673.....	826
674.....	827
675.....	828
676.....	829
677.....	830
678.....	831
679.....	832, 833
700.....	710
701.....	711
702.....	712
703.....	713
720.....	730
721.....	731
722.....	732
723.....	733
740.....	750
741.....	751
742.....	752
743.....	Repealed
760.....	690
761.....	691
780.....	94, subd. 11
781.....	94, subd. 11
800.....	Repealed
801.....	Repealed
802.....	Repealed
820.....	600, 601
821.....	602
822.....	603
823.....	604, 605
824.....	606
840.....	Repealed
860.....	900
861.....	901
862.....	902
880.....	940
881.....	941
882.....	942
883.....	943
900.....	Repealed
901.....	945
902.....	946, 947
903.....	948
904.....	949
905.....	950
906.....	951
907.....	952
908.....	953
909.....	954
920.....	970
921.....	971
922.....	972
923.....	973
924.....	974
925.....	975
926.....	976
927.....	977
928.....	978
929.....	979
930.....	980
940.....	990
941.....	991
942.....	992
943.....	993
944.....	994

Section of act of 1909	Section of act of 1910
945.....	995
946.....	996
947.....	997
948.....	998
949.....	999
950.....	1000
951.....	1001
952.....	1002
953.....	1003
954.....	1004
955.....	1005
956.....	1006
957.....	1007
958.....	1008
959.....	1009
960.....	1010
961.....	1011
980.....	920
981.....	921
982.....	922
1000.....	650
1001.....	651
1002.....	652
1003.....	653
1004.....	654
1020.....	1110
1021.....	1111
1022.....	1112
1023.....	1113
1024.....	1114
1025.....	1115
1026.....	1116
1027.....	1117
1028.....	1118
1029.....	1119
1030.....	1120
1031.....	1121
1032.....	1122
1033.....	1123
1034.....	1124
1035.....	1125
1036.....	1126
1037.....	1127
1038.....	1128
1039.....	1129
1040.....	1130
1041.....	1131
1042.....	1132
1043.....	1133
1044.....	1134
1045.....	1135
1046.....	1136
1047.....	1137
1048.....	1138
1049.....	1139
1050.....	1140
1051.....	1141
1052.....	1160
1053.....	1161
1054.....	1162
1055.....	1163
1056.....	1164
1057.....	1165
1058.....	1166
1059.....	1167
1060.....	1168
1061.....	1169
1062.....	1170
1063.....	1171
1064.....	1172
1065.....	1173
1066.....	1174
1067.....	1175
1068.....	1176
1069.....	1177
1070.....	1178
1071.....	1179
1080.....	40
1081.....	41
1082.....	42

Section of act of 1909	Section of act of 1910
1083.....	43
1084.....	44
1085.....	45
1086.....	46
1087.....	47
1088.....	48
1089.....	49
1090.....	52
1091.....	53
1092.....	54
1093.....	55
1094.....	56
1095.....	57
1096.....	58
1097.....	59
1098.....	60
1099.....	61
1100.....	62
1101.....	63
1102.....	64
1103.....	65
1104.....	66, 67
1105.....	68
1106.....	69
1120.....	1030
1121.....	1031
1122.....	1032
1123.....	1033
1124.....	1034
1125.....	1035
1126.....	1036
1127.....	1037
1128.....	1038
1129.....	1039
1140.....	1050
1141.....	1051
1142.....	1052
1160.....	1070
1161.....	1071
1162.....	1072
1180.....	1090
1181.....	1091
1182.....	1092
1183.....	1093
2000.....	1190
2001.....	1191
2002.....	1192

APPENDIX A

OTHER LAWS RELATING TO SCHOOLS

I. Constitutional provisions relating to education
II. Taxation
1. Exemptions
2. Taxes on state lands
3. Taxation of banks, banking associations and individual bankers
4. Collection of taxes
5. Apportioning valuation of railroads, telegraph, telephone and pipe line companies between school districts
6. Taxation in St. Lawrence county
III. Vaccination of school children
IV. Public holidays
V. Actions by school trustees
VI. Penal provisions relating to schools and school officers
VII. Employment of children of school age
1. Employment in factories
2. Employment in mercantile establishments
3. Employment in street trades
VIII. Financial provisions
IX. Fees of supervisor
X. School commissioner districts
XI. Liquors sold near school-houses
XII. Savings banks in schools

I. CONSTITUTIONAL PROVISIONS RELATING TO EDUCATION

Constitution, art. 9

§ 1. Common schools. The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.

§ 2. Higher education. The corporation created in the year 1784, under the name of the regents of the university of the state of New York, is hereby continued under the name of the university of the state of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the legislature, shall be exercised, by not less than nine regents.

§ 3. Educational funds. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of $25,000 of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

§ 4. Restrictions of subsidies. Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

II. TAXATION

Provisions of Tax Law (L. 1909, ch. 62) relative to school taxes

1. Exemptions

§ 4. Exemption from taxation. The following property shall be exempt from taxation:

1. Property of the United States.

2. Property of this state other than its wild or forest lands in the forest preserve.

* * * * * * * * * *

3. Property of a municipal corporation of the state held for a public use, including real property held or used for cemetery purposes, and all lots and plats therein conveyed by the municipal

corporation as places for the burial of the dead, except the portion of municipal property not within the corporation.

5. All property exempt by law from execution, other than an exempt homestead. But real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned and occupied by the pensioner, or by his wife or widow, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax districts. At the meeting of the assessors to hear the complaints concerning assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of pension money used in or toward the purchase of such property. If the assessors are satisfied that the applicant is entitled to the exemption, and that the amount of pension money used in the purchase of such property equals or exceeds the assessed valuation thereof, they shall enter the word "exempt" upon the assessment-roll opposite the description of such property. If the amount of such pension money used in the purchase of the property is less than the assessed valuation, they shall enter upon the assessment-roll the words "exempt to the extent of ... dollars" (naming the amount) and thereupon such real property, to the extent of the exemption entered by the assessors, shall be exempt from state, county and general municipal taxation, but shall be taxable for local school purposes, and for the construction and maintenance of streets and highways. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The entries above required shall be made and continued in each assessment of the property so long as it is exempt from taxation for any purpose. The provisions herein, relating to the assessment and exemption of property purchased with a pension, apply and shall be enforced in each municipal corporation authorized to levy taxes.

Exemption from execution of real property purchased with pension. Section 1393 of the Code of Civil Procedure provides as follows: The pay and

bounty of a noncommissioned officer, musician or private in the military or naval service of the United States or the state of New York; a land warrant, pension or other reward, heretofore or hereafter granted by the United States, or by a state, for military or naval services; a sword, horse, medal, emblem or device of any kind presented as a testimonial for services rendered in the military or naval service of the United States or a state; and the uniform, arms and equipments which were used by a person in that service, are also exempt from levy and sale, by virtue of an execution, and from seizure for nonpayment of taxes, or in any other legal proceeding; except that real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned by the pensioner, or by his wife or widow, is subject to seizure and sale for the collection of taxes or assessments lawfully levied thereon. [*As amended by L.* 1897, *ch.* 318.]

7. The real property of a corporation or association organized exclusively for the moral or mental improvement of men or women, or for religious, bible, tract, charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, historical or cemetery purposes, or for the enforcement of laws relating to children or animals, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes, and the personal property of any such corporation shall be exempt from taxation. But no such corporation or association shall be entitled to any such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes. The real property of any such corporation or association entitled to such exemption held by it exclusively for one or more of such purposes and from which no rents, profits or income are derived, shall be so exempt, though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon, if the construction of such buildings or improvements is in progress, or is in good faith contemplated by such corporation or association; or if such real property is held by such

corporation or association upon condition that the title thereto shall revert in case any building not intended and suitable for one or more of such purposes shall be erected upon said premises or some part thereof. The real property of any such corporation not so used exclusively for carrying out thereupon one or more of such purposes but leased or otherwise used for other purposes, shall not be exempt, but if a portion only of any lot or building of any such corporation or association is used exclusively for carrying out thereupon one or more such purposes of any such corporation or association, then such lot or building shall be so exempt only to the extent of the value of the portion so used, and the remaining or other portion, to the extent of the value of such remaining or other portion, shall be subject to taxation; provided, however, that a lot or building owned and actually used for hospital purposes, by a free public hospital, depending for maintenance and support upon voluntary charity, shall not be taxed as to a portion thereof leased or otherwise used for the purposes of income, when such income is necessary for, and is actually applied to the maintenance and support of such hospital, and further provided that the real property of any fraternal corporation, association or body created to build and maintain a building or buildings for its meeting or meetings of the general assembly of its members, or subordinate bodies of such fraternity and for the accommodation of other fraternal bodies or associations, the entire net income of which real property is exclusively applied or to be used to build, furnish and maintain an asylum or asylums, a home or homes, a school or schools, for the free education or relief of the members of such fraternity, or for the relief, support and care of worthy and indigent members of the fraternity, their wives, widows or orphans, shall be exempt from taxation, and provided also that the real estate owned by a free public library, situate in any village of the third or fourth class, shall not be taxed as to that portion thereof leased or otherwise used for purposes of income, when such income is necessary for and actually applied to the maintenance and support of such library. Property held by any officer of a religious denomination shall be entitled to

the same exemptions, subject to the same conditions and exceptions, as property held by a religious corporation.

8. Real property of an incorporated association of present or former volunteer firemen actually and exclusively used and occupied by such corporation and not exceeding in value fifteen thousand dollars.

9. All dwelling-houses and lots of religious corporations while actually used by the officiating clergymen thereof, but the total amount of such exemption to any one religious corporation shall not exceed two thousand dollars. Such exemption shall be in addition to that provided by subdivision seven of this section.

10. The real property of an agricultural society permanently used by it for exhibition grounds.

11. The real property of a minister of the gospel or priest who is regularly engaged in performing his duties as such, or permanently disabled by impaired health from the performance of such duties, or over seventy-five years of age, and the personal property of such minister or priest, but the total amount of such exemption on account of both real and personal property shall not exceed fifteen hundred dollars.

2. Taxes on State Lands

Tax Law, art. 2

§ 22. Assessment of state lands. All wild or forest land within the forest preserve and also all such lands owned by the state in the towns of Altona and Dannemora, county of Clinton, except the lands in the town of Dannemora upon which buildings and inclosures are erected and maintained by the state for the use of state institutions, together with said buildings thereon, shall be assessed and taxed at a like valuation and rate as similar lands of individuals within the counties where situated. On or before August first in every year the assessors of the town within which the lands so belonging to the state are situated shall file in the office of the comptroller and of the forest, fish and game commission, a copy of the assessment-roll of the town, which, in addi-

tion to the other matter now required by law, shall state and specify which and how much, if any, of the lands assessed are forest lands, and which and how much, if any, are lands belonging to the state; such statements and specifications to be verified by the oaths of a majority of the assessors. The comptroller shall thereupon and before the first day of September following, and after hearing the assessors and the forest, fish and game commission, if they or any of them so desire, correct or reduce any assessment of state lands which may be in his judgment an unfair proportion to the remaining assessment of land within the town, and shall in other respects approve the assessment and communicate such approval to the assessors. No such assessment of state lands shall be valid for any purpose until the amount of assessment is approved by the comptroller, and such approval attached to and deposited with the assessment-roll of the town, and therewith delivered by the assessors of the town, to the supervisor thereof or other officer authorized to receive the same from the assessors. No tax for the erection of a school-house or opening of a road shall be imposed on the state lands unless such erection or opening shall have first been approved in writing by the forest, fish and game commission.

Tax Law, art. 4

§ 80. Payment of taxes on state lands in forest preserve. The treasurer of the state, upon the certificate of the comptroller as to the correct amount of such tax, shall pay the tax levied upon state lands in the forest preserve, by crediting to the treasurer of the county in which such lands may be situated, such taxes, upon the amount payable by such county treasurer to the state for state tax. No fees shall be allowed by the comptroller to the county treasurer for such portion of the state tax as is so paid.

Lands in forest preserve. Section 34 of the forest, fish and game law provides as follows: The forest preserve shall include the lands owned or hereafter acquired by the state within the county of Clinton, except the towns of Altona and Dannemora, and the counties of Delaware, Essex, Franklin, Fulton,

Hamilton, Herkimer, Lewis, Oneida, Saratoga, Saint Lawrence, Warren, Washington, Greene, Ulster and Sullivan, except
1. Lands within the limits of any village or city, and
2. Lands not wild lands acquired by the state on foreclosure of mortgages made to loan commissioners.

3. Taxation of Banks, Banking Associations and Individual Bankers

Tax Law, art. 1

§ 13. Stockholders of bank taxable on shares. The stockholders of every bank or banking association organized under the authority of this state, or of the United States, shall be assessed and taxed on the value of their shares of stock therein; said shares shall be included in the valuation of the personal property of such stockholders in the assessment of taxes in the tax district where such bank or banking association is located, and not elsewhere, whether the said stockholders reside in said tax district or not.

§ 14. Place of taxation of individual bank capital. Every individual banker shall be taxable upon the amount of capital invested in his banking business in the tax district where the place of such business is located and shall, for that purpose, be deemed a resident of such tax district.

Tax Law, art. 2

§ 23. Banks to make report. The chief fiscal officer of every bank or banking association organized under the authority of this state, or of the United States, shall, on or before the first day of July, in each year, furnish the assessors of the tax district in which its principal office is located a statement under oath of the condition of such bank or banking association on the first day of June next preceding, stating the amount of its authorized capital stock, the number of shares and the par value of the shares thereof, the amount of stock paid in, the amount of its surplus and of its undivided profits, if any, a complete list of the names and residences of its stockholders and the number of shares held by each.

In case of neglect or refusal on the part of any bank or banking association to report as herein prescribed, or to make other or further reports as may be required, such bank or banking association shall forfeit the sum of one hundred dollars for each failure, and the additional sum of ten dollars for each day such failure continues, and an action therefor shall be prosecuted by the county treasurer of the county in which such bank or banking association so neglecting or refusing to report is located, and in the city of New York by the receiver of taxes thereof. There shall, in addition to such report, be kept in the office of every such bank or banking association a full and correct list of the names and residences of all stockholders therein, and of the number of shares held by each, and such lists shall be subject to the inspection of the assessors at all times. The list of stockholders furnished by such bank or banking association shall be deemed to contain the names of the owners of such shares as are set opposite them, respectively, for the purpose of assessment and taxation.

§ 24. Bank shares, how assessed. In assessing the shares of stock of banks or banking associations organized under the authority of this state or the United States, the assessment and taxation shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this state. The value of each share of stock of each bank and banking association, except such as are in liquidation, shall be ascertained and fixed by adding together the amount of the capital stock, surplus and undivided profits of such bank or banking association and by dividing the result by the number of outstanding shares of such bank or banking association. The value of each share of stock in each bank or banking association in liquidation shall be ascertained and fixed by dividing the actual assets of such bank or banking association by the number of outstanding shares of such bank or banking association. The rate of tax upon the shares of stock of banks and banking associations shall be one per centum upon the value thereof, as ascertained and fixed in the manner hereinbefore provided, and the owners of the stock of banks and banking associations shall be entitled to

no deduction from the taxable value of their shares because of the personal indebtedness of such owners, or for any other reason whatsoever. Complaints in relation to the assessments of the shares of stock of banks and banking associations made under the provisions of this article shall be heard and determined as provided in section thirty-seven of this chapter. The said tax shall be in lieu of all other taxes whatsoever for state, county or local purposes upon the said shares of stock, and mortgages, judgments and other choses in action and personal property held or owned by banks or banking associations the value of which enters into the value of said shares of stock shall also be exempt from all other state, county or local taxation. The tax herein imposed shall be levied in the following manner: The board of supervisors of the several counties shall, on or before the fifteenth day of December in each year, ascertain from an inspection of the assessment-rolls in their respective counties, the number of shares of stock of banks and banking associations in each town, city, village, school and other tax district, in their several counties, respectively, in which such shares of stock are taxable, the names of the banks issuing the same, respectively, and the assessed value of such shares, as ascertained in the manner provided in this article and entered upon the said assessment-rolls, and shall forthwith mail to the president or cashier of each of said banks or banking associations a statement setting forth the amount of its capital stock, surplus and undivided profits, the number of outstanding shares thereof, the value of each share of stock taxable in said county, as ascertained in the manner herein provided, and the aggregate amount of tax to be collected and paid by such bank and banking association, under the provisions of this article. A certified copy of each of said statements shall be sent to the county treasurer. It shall be the duty of every bank or banking association to collect the tax due upon its shares of stock from the several owners of such shares, and to pay the same to the treasurer of the county wherein said bank or banking association is located, and in the city of New York to the receiver of taxes thereof on or before the thirty-first day of December in said year;

and any bank or banking association failing to pay the said tax as herein provided shall be liable by way of penalty for the gross amount of the taxes due from all the owners of the shares of stock, and for an additional amount of one hundred dollars for every day of delay in the payment of said tax. Every bank or banking association so paying the taxes due upon the shares of its stock shall have a lien on the shares of stock, and on all property of the several share owners in its hands, or which may at any time come into its hands, for reimbursement of the taxes so paid on account of the several share holders, with legal interest; and such lien may be enforced in any appropriate manner. The tax hereby imposed shall be distributed in the following manner: The board of supervisors of the several counties shall ascertain the tax rate of each of the several town, city, village, school and other tax districts in their counties, respectively, in which the shares of stock of banks and banking associations shall be taxable, which tax rates shall include the proportion of state and county taxes levied in such districts, respectively, for the year for which the tax is imposed, and the proportion of the tax on bank stock to which each of said districts shall be respectively entitled shall be ascertained by taking such proportion of the tax upon the shares of stock of banks and banking associations, taxable in such districts, respectively, under the provisions of this chapter as the tax rate of such tax district shall bear to the aggregate tax rates of all the tax districts in which said shares of stock shall be taxable. The clerks of the several cities, villages and school districts to which any portion of the tax on shares of stock of banks and banking associations is to be distributed under this section shall, in writing and under oath, annually report to the board of supervisors of their respective counties, during the first week of the annual session of such board, the tax rate of such city, village and school district for the year prior to the meeting of each such board. The said board of supervisors shall issue their warrant or order to the county treasurer on or before the fifteenth day of December in each year, setting forth the number of shares of bank stock taxable in each town, city, village, school and other tax district

in said county, in which said shares of stock shall be taxable, the tax rate of each of said tax districts for said year, the proportion of the tax imposed by this chapter to which each of said tax districts is entitled, under the provisions hereof, and commanding him to collect same, and to pay to the proper officer in each of such districts the proportion of such tax to which it is entitled under the provisions of this chapter. The said county treasurer shall have the same powers to enforce the collection and payment of said tax as are possessed by the officers now charged by law with the collection of taxes, and the said county treasurer shall be entitled to a commission of one per centum for collecting and paying out said moneys, which commission shall be deducted from the gross amount of said tax before the same is distributed. In issuing their warrants to the collectors of taxes, the board of supervisors shall omit therefrom assessments of and taxes upon the shares of stock of banks and banking associations. Provided, that, in the city of New York the statement of the bank assessment and tax herein provided for shall be made by the board of tax commissioners of said city, on or before the fifteenth day of December in each year, and by them forthwith mailed to the respective banks and banking associations located in said city, and a certified copy thereof sent to the receiver of taxes of said city. The tax shall be paid by the respective banks in said city to the said receiver of taxes on or before the thirty-first day of December in said year, and said tax shall be collected by the said receiver of taxes and shall be by him paid into the treasury of said city to the credit of the general fund thereof. This section is not to be construed as an exemption of the real estate of banks or banking associations from taxation. No shares of stock of such banks and banking associations, by whomsoever held, shall be exempt from the tax hereby imposed.

§ **25. Individual banker, how assessed.** Every individual banker doing business under the laws of this state must report before the fifteenth day of June under oath to the assessors of the tax district in which any of the capital invested in such banking business is taxable, the amount of capital invested in

such banking business in such tax district on the first day of June preceding. Such capital shall be assessed as personal property to the banker in whose name such business is carried on.

§ 26. Notice of assessment to bank or banking association. The assessors of every tax district shall, within ten days after they have completed the assessment of the stock of a bank or banking association, give written notice to such bank or banking association of such assessment of the shares of its respective shareholders and no personal or other notice to such shareholders of such assessment is required.

4. Collection of Taxes

Tax Law, art. 4

§ 72. Collection of taxes assessed against stocks in banks and banking associations. Every bank or banking association shall retain any dividend until the delivery to the collector of the tax-roll and warrant of the current year, and within ten days after such delivery shall pay to such collector so much of such dividend as may be necessary to pay any unpaid taxes assessed on the stock upon which such dividend is declared. In case the owner of such stock resides in a place other than where the bank or banking association is located, the same power may be exercised in collecting the tax so assessed as is given in case a person has removed from a tax district in which the assessment was made. The tax so assessed shall be and remain a lien on the shares of stock against which it is assessed till the payment of such tax, and if the stock is transferred it shall be subject to such lien. The collector or county treasurer may foreclose such lien in any court of record, and collect from the avails of the sale of the stock the tax assessed against the same. In addition thereto, the same remedy may be had for the collection of the tax on such shares as is now provided by law for enforcing payment of personal tax against residents.

5. Apportioning Valuation of Railroads, Telegraph, Telephone and Pipe Line Companies between School Districts

Tax Law, art. 2

§ 40. Assessors to apportion valuation of railroad, telegraph, telephone or pipe line companies among school districts. The assessors of each town in which a railroad, telegraph, telephone or pipe line company is assessed upon property lying in more than one school district therein, shall, within fifteen days after the final completion of the roll, apportion the assessed valuation of the property of each of such corporations among such school districts. Such apportionment shall be signed by the assessors or a majority of them, and be filed with the town clerk within five days thereafter, and thereupon the valuation so fixed shall become the valuation of such property in such school district for the purpose of taxation. In case of failure of the assessors to act, the supervisor of the town shall make such apportionment on request of either the trustees of any school district or of the corporation assessed. The town clerk shall furnish the trustees a certified statement of the valuations apportioned to their respective districts. In case of any alteration in any school district affecting the valuation of such property, the officer making the same shall fix and determine the valuations in the districts affected for the current year.

6. Taxation in St. Lawrence County

L. 1902, *ch.* 502

An act to provide for a uniform tax in the several towns of the county of St. Lawrence for the maintenance of common schools, and for the levy, collection, custody and disbursement thereof

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. At any biennial town meeting held after the passage of this act, in the several towns of the county of St. Lawrence, there may

be submitted to the electors thereof, upon the written request of not less than twenty-five taxpayers entitled to vote thereon, such request having been filed with the town clerk at least thirty days before such biennial town meeting, the question, "Shall a uniform system of taxation for the maintenance of the common schools be adopted in the town of ..." If a majority of the ballots cast shall be in the affirmative, further proceedings under this act shall be taken as hereinafter provided.

§ 2. On or before the day of the meeting of the town board for the audit of town accounts in each year, following the adoption of this act, by any town in the county of St. Lawrence, the trustee or trustees of the several common school districts in such town shall file with the town clerk, a statement of the sum of money necessary to maintain the common school in said common school district in the following form:

I (or we), the undersigned trustee (or trustees) of school district number....., of the town of....., state of New York, do hereby certify that the following sums are required for the maintenance of district school number ....., of the town of ....., state of New York, for the fiscal year beginning September first, and ending June thirtieth, ...

For salary for teachers..... $
For library funds .....
For repairs to school buildings.....
For miscellaneous expenses .....

Total ..... $

§ 3. It shall be the duty of the town clerk to deliver said certificates of the trustee or trustees of the several common school districts, to the town board of each town adopting this system on the day of the meeting of the town board for the audit of town accounts in each year, and the said town board shall include the gross sum called for by the several said certificates or so much thereof as may be necessary, in their annual town schedule of expenses, to be certified to the board of supervisors in the county

in which the said town is situated in the same manner as other town expenses, and the said board of supervisors shall levy such amount in the next succeeding tax levy of the town, in the same manner as other town taxes are collected. The amounts thus collected in each town shall be paid by the town collector to the supervisor of the town and by him paid out on the order of the trustee or trustees of the several common school districts to the amount to which each district is entitled, in the same manner as the public school funds are now disbursed. The collector shall be paid the same rate per centum for collection as is now allowed by law for the collection of moneys, and for the same powers and to be subject to the same liabilities. The collector or supervisor shall give bonds to the amount now required by law in the collection, custody and disbursement of town funds.

§ 4. It shall be the duty of the town clerk to furnish the trustee or trustees of each common school district the forms in blank provided for in section two of this act. The cost thereof shall be a town charge.

§ 5. Any school district lying partly in the town which had adopted the system of taxation provided by this act, and partly in a town not having adopted said system, shall, for the purpose of this act, be considered as lying wholly in the town not having adopted said system, and shall so continue until such time as both towns have adopted said system of taxation. In case both towns have adopted the system of taxation provided by this act, then the trustee or trustees in such school district shall certify to the town clerk in each town the sum required for the maintenance of such district school, and the said sum shall be divided between the towns in proportion to the assessed valuation of property, real and personal, in the different parts of said district in each town, and the amount so divided, shall be included in the schedule of town expenses in each town in the same manner as heretofore provided in this act.

§ 6. Under the provisions of this act town boards shall have the power by resolution with the consent in writing of the school commissioner of the district in which such town is situated, to annul

or consolidate common school districts, and to provide for the transportation and maintenance of pupils in any common school district in such town.

§ 7. It shall be the duty of the supervisor to keep a separate account with each common school district, in any town adopting this act, in said town. He shall not pay for the account of any common school district, upon the order of the trustee or trustees, as provided in this act, a larger sum of money than the sum of money approved by the town board of said district, and levied and collected under the provisions of this act.

§ 8. Whenever any town shall have adopted the system of taxation for the maintenance of common schools provided for in this act, the board of education of any union free school therein, maintaining a department for secondary education, shall receive into such academic department, pupils sufficiently advanced to enter therein, without the payment of any tuition therefor. And such boards of education in such union free school districts are hereby empowered to establish the grades and prescribe such examinations as may be necessary to carry into effect the provisions of this act, and such grading and examination shall be uniform and regulate the admissions thereto of all pupils residing within such township.

§ 9. All acts or parts of acts which are inconsistent or in conflict with the provisions of this act are hereby repealed.

§ 10. This act shall take effect immediately.

III. VACCINATION OF SCHOOL CHILDREN

Provisions of Public Health Law (L. 1909, ch. 49) relative to vaccination

§ 310. Vaccination of school children. No child or person not vaccinated shall be admitted or received into any of the public schools of the state, and the trustees or other officers having the charge, management or control of such schools shall cause this provision of law to be enforced. They may adopt a resolution excluding such children and persons not vaccinated from such school until vaccinated, and when any such reso-

lution has been adopted, they shall give at least ten days' notice thereof, by posting copies of the same in at least two public and conspicuous places within the limits of the school government, and shall announce therein that due provision has been made, specifying it, for the vaccination of any child or person of suitable age desiring to attend the school, and whose parents or guardians are unable to procure vaccination for them, or who are, by reason of poverty, exempted from taxation in such district.

§ 311. Such trustees or board may appoint a competent physician and fix his compensation, who shall ascertain the number of children or persons in a school district, or in a subdivision of a city school government, of suitable age to attend the common schools, who have not been vaccinated and furnish such trustees or board a list of their names. Every such physician shall provide himself with good and reliable vaccine virus with which to vaccinate such children or persons as such trustees or board shall direct, and give certificates of vaccination when required, which shall be evidence that the child or person to whom given has been vaccinated. The expenses incurred in carrying into effect the provisions of this and the preceding section, shall be deemed a part of the expense of maintaining such school, and shall be levied and collected in the same manner as other school expenses. The trustees of the several school districts of the state shall include in their annual report the number of vaccinated and unvaccinated children of school age in their respective districts.

IV. PUBLIC HOLIDAYS

Provisions of General Construction Law (*L.* 1909, *ch.* 27)

§ 24. Holidays; half-holiday. The term holiday includes the following days in each year: the first day of January known as New Year's day; the twelfth day of February, known as Lincoln's birthday; the twenty-second day of February, known as Washington's birthday; the thirtieth day of May, known as Memorial day; the fourth day of July, known as Independence day; the first Monday of September, known as Labor day; the

twelfth day of October, known as Columbus day, and the twenty-fifth day of December, known as Christmas day, and if either of such days is Sunday, the next day thereafter; each general election day and each day appointed by the president of the United States or by the governor of this state as a day of general thanksgiving, general fasting and prayer, or other general religious observances. The term half-holiday includes the period from noon to midnight of each Saturday which is not a holiday. [*As amended by L.* 1909, *ch.* 112.]

Greater New York Charter (*L.* 1901, *ch.* 466)

§ 1162. Anniversary day as a holiday in the public schools of the borough of Brooklyn. The eighth day of June in the year nineteen hundred and five and thereafter the first Thursday in June in each year, except in those years when the first Thursday in June occurs in the same week with Memorial day, and in such years the second Thursday in June, known as Anniversary day, and celebrated in commemoration of the organization of Sunday schools, is hereby made and declared to be a holiday in all the public schools in the borough of Brooklyn, city of New York, and the board of education of such city is hereby authorized and directed to cause all the public schools in such borough to be closed on such day.

V. ACTIONS BY SCHOOL TRUSTEES

Provisions of Code of Civil Procedure

§ 1926. Actions by certain specified officers. An action or special proceeding may be maintained, by the trustee or trustees of a school district; the overseer or overseers of the poor of a village, or city; the county superintendent or superintendents of the poor; or the supervisors of a county, upon a contract, lawfully made with those officers or their predecessors, in their official capacity; to enforce a liability created, or a duty enjoined, by law, upon those officers, or the body represented by them; to recover a penalty or a forfeiture, given to those officers, or the body represented by them; or to recover damages for an

injury to the property or rights of those officers, or the body represented by them; although the cause of action accrued before the commencement of their term of office. [*As amended by L.* 1897, *ch.* 302]

§ 1927. An action or special proceeding may be maintained against any of the officers specified in the last section, upon any cause of action, which accrues against them, or has accrued against their predecessors, or upon a contract made by their predecessors in their official capacity, and within the scope of their authority.

[*See also* § 1928, 1929 and 1930.]

Section nineteen hundred and thirty-one provides that an execution can be issued upon a judgment for a sum of money against the trustee or trustees of a school district, and such execution may be issued against and be collected out of the property of such officers, and the sum collected must be allowed to him on the settlement of his official accounts, except as otherwise specially prescribed by law.

NOTE. By section 404 of the education law, it is provided, "Whenever any sum of money payable by any person named in such tax-list, shall not be paid by such person, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustees may sue for and recover the same in their name of office."

A. See subdivision 17, section 96 of the education law, relative to payment of judgments obtained in actions against trustees of districts for unpaid teachers' wages; also sections 508 and 509 of the education law, as to payment of costs and damages in actions or proceedings brought by or against trustees of districts.

VI. PENAL PROVISIONS RELATING TO SCHOOLS AND SCHOOL OFFICERS

Penal Law (*L.* 1909, *ch.* 88)

§ 246. Use of force not unlawful in certain cases. To use or attempt, or offer to use, force or violence upon or toward the person of another is not unlawful in the following cases:

4. When committed by a parent or the authorized agent of any parent, or by any guardian, master, or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, and the force or violence used is reasonable in manner and moderate in degree.

§ **405. Unlawfully entering building.** A person who, under circumstances or in a manner not amounting to a burglary, enters a building, or any part thereof, with intent to commit a felony or a larceny, or any malicious mischief, is guilty of a misdemeanor.

§ **889. Forgery in third degree.** A person who, with intent to defraud or to conceal any larceny or misappropriation by any person of any money or property:

1. Alters, erases, obliterates, or destroys an account, book of accounts, record, or writing, belonging to, or appertaining to the business of, a corporation, association, public office or officer, partnership, or individual; or,

2. Makes a false entry in any such account or book of accounts; or,

3. Wilfully omits to make true entry of any material particular in any such account or book of accounts, made, written, or kept by him or under his direction,

Is guilty of forgery in the third degree.

§ **1470. Disturbing lawful meetings.** A person who, without authority of law, wilfully disturbs any assembly or meeting, not unlawful in its character, is guilty of a misdemeanor.

§ **1824. Attempting to prevent officers from performing duty.** A person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, is guilty of a misdemeanor.

§ **1825. Resisting officer.** A person who knowingly resists by the use of force or violence, any executive officer, in the performance of his duty, is guilty of a misdemeanor.

§ **1836. Officer refusing to surrender to successor.** A person who, having been an executive or administrative officer, wrongfully refuses to surrender the official seal, or any books or papers appertaining to his office, upon the demand of his lawful successor, is guilty of a misdemeanor.

§ **1837. Administrative officers.** The various provisions of the preceding sections of this article which relate to

executive officers apply to administrative officers, in the same manner as if administrative and executive officers were both mentioned.

§ 1838. Injury to records and misappropriation by ministerial officers. A sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who:

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or,

2. Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him in virtue of his office,

Is guilty of felony.

§ 1841. Provision as to neglect of duty. A public officer, or person holding a public trust or employment, upon whom any duty is enjoined by law, who wilfully neglects to perform the duty, is guilty of a misdemeanor. This and section eighteen hundred and forty do not apply to cases of official acts or omissions the prevention or punishment of which is otherwise specially provided by statute.

§ 1865. Misappropriation and falsification of accounts by public officers. A public officer, or deputy, or clerk of any such officer, and any other person receiving money on behalf of, or for account of the people of this state, or of any department of the government of this state, or of any bureau or fund created by law, and in which the people of this state are directly or indirectly interested, or for or on account of any city, county, village or town, who:

1. Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money so received by him as such officer, clerk or deputy, or otherwise; or,

2. Knowingly keeps any false account, or makes any false entry or erasure in any account of, or relating to, any money so received by him, or,

3. Fraudulently alters, falsifies, conceals, destroys or obliterates any such account; or,

4. Wilfully omits or refuses to pay over to the people of this state or their officer or agent authorized by law to receive the same, or to such city, village, county or town, or the proper officer or authority empowered to demand and receive the same, any money received by him as such officer, when it is his duty imposed by law to pay over, or account for, the same,

Is guilty of a felony.

§ 1866. Violations of law by public officers. An officer or other person mentioned in the last section who wilfully disobeys any provision of law regulating his official conduct, in cases other than those specified in that section is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both.

§ 1868. Officials not to be interested in sales, leases or contracts. A public officer or school officer, who is authorized to sell or lease any property, or to make any contract in his official capacity, or to take part in making any such sale, lease or contract, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, except in cases where such sale, lease or contract, or payment under the same, is subject to audit or approval by the commissioner of education, is guilty of a misdemeanor.

§ 1871. School district trustee not to draw draft on supervisor in certain cases. A school district trustee who issues an order or draws a draft on a supervisor or collector for any money, unless there is at the time sufficient money in the hands of such supervisor or collector belonging to the district to meet such order or draft, is guilty of a misdemeanor.

§ 2050. Injury to public record. A person who, wilfully and unlawfully removes, mutilates, destroys, conceals, or obliterates a record, map, book, paper, document, or other thing, filed or deposited in a public office or with any public officer by authority of law, is punishable by imprisonment for not more than five years, or by a fine of not more than five hundred dollars, or by both.

§ 2321. Making false statement in reference to taxes. A person, who, in making any statement, oral or written, which is required or authorized by law to be made as the basis of imposing any tax or assessment, or of an application to reduce any tax or assessment, wilfully makes, as to any material matter, any statement which he knows to be false, is guilty of a misdemeanor.

VII. EMPLOYMENT OF CHILDREN OF SCHOOL AGE

Provisions of Labor Law (*L.* 1909, *ch.* 36)

1. Employment in Factories

§ 70. Employment of minors. No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this state. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate issued as provided in this article shall have been theretofore filed in the office of the employer at the place of employment of such child.

§ 71. Employment certificate how issued. Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed, viz.: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(a) *Birth certificate:* A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, which certificate shall be conclusive evidence of the age of such child.

(b) *Certificate of graduation:* A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the state of New York or elsewhere, having a course of not less than eight years, or of a school in the state of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by article twenty of the education law, provided that the record of such school shows such child to be at least fourteen years of age.

(c) *Passport or baptismal certificate:* A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) *Other documentary evidence:* In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested, and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section.

(e) *Physicians' certificates:* In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than ninety days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment cer-

tificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child further has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

§ 72. Contents of certificate. Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

§ 73. School record, what to contain. The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and

geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

§ 75. Report of certificates issued. The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each month, to the office of the commissioner of labor a list of the names of the children to whom certificates have been issued.

§ 76. Registry of children employed. Each person owning or operating a factory and employing children therein shall keep or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The commissioner of labor may make demand on an employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this article, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory. The commissioner of labor may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said factory, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in

the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall be filed with the commissioner of labor and a material false statement made in any such paper or affidavit by any person shall be a misdemeanor. In case such employer shall fail to produce and deliver to the commissioner of labor within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.

2. Employment in Mercantile Establishments

§ 160. Application of article. The provisions of this article shall apply to all villages and cities which at the last preceding state enumeration had a population of three thousand or more.

§ 161. Hours of labor of minors. No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment-house, or in the distribution or transmission of merchandise or messages, more than fifty-four hours in any one week, or more than nine hours in any one day, or before seven o'clock in the morning or after ten o'clock in the evening of any day. But in cities of the first class no child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any such establishment after seven o'clock in the evening of any day. No female employee between sixteen and twenty-one

years of age shall be required, permitted or suffered to work in or in connection with any mercantile establishment more than sixty hours in any one week; or more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week; or before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upward on Saturday, provided the total number of hours of labor in a week of any such person does not exceed sixty hours, nor to the employment of such persons between the fifteenth day of December and the following first day of January. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment.

§ 161-a. Hours of labor of messengers. In cities of the first or second class no person under the age of twenty one years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day. [*Added by L.* 1910, *ch.* 342.]

§ 162. Employment of children. No child under the age of fourteen years shall be employed or permitted to work in or in connection with any mercantile or other business or establishment specified in the preceding section, except that a child upward of twelve years of age may be employed therein in villages and cities of the second or third class during the summer vacation of the public schools of the city or district where such establishment is situated. No child under the age of sixteen years shall be so employed or permitted to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child. [*As amended by L.* 1909, *ch.* 293.]

§ 163. Employment certificate; how issued. Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides or is to be em-

ployed, or by such officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent, guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed, viz.: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(a) *Birth certificate.*—A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births which certificate shall be conclusive evidence of the age of such child.

(b) *Certificate of graduation.*—A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the state of New York or elsewhere, having a course of not less than eight years, or of a school in the state of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by article twenty of the education law, provided that the record of such school shows such child to be at least fourteen years of age.

(c) *Passport or baptismal certificate.*—A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) *Other documentary evidence.*— In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions

of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section.

(e) *Physicians' certificates.*— In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than ninety days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physi-

cian and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child shall further have personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued.

§ 164. Contents of certificate. Such certificate shall state the date and place of birth of the child, and describe the color of hair and eyes and the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

§ 165. School record, what to contain. The school record required by this article shall be signed by the principal

or chief executive officer of the school which such child has attended and shall be furnished on demand to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding his application for such school record, and is able to read and write simple sentences in the English language, has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parents or guardian or custodian.

§ 166. Summer vacation certificate. Children of the age of twelve years or more who can read and write simple sentences in the English language, may be employed, in mercantile and other establishments specified in section one hundred and sixty-one, in villages and cities of the third class during the summer vacation of the public schools in the city or school district where such children reside, upon obtaining the vacation certificate herein provided. Such certificate shall be issued in the same manner, upon the same conditions, and on like proof that such child is twelve years of age or upwards, and is in sound health, as are required for the issuance of an employment certificate under this article, except that a school record of such child shall not be required. The certificates provided for in this section shall be designated summer vacation certificates, and shall correspond in form and substance as nearly as practicable to such employment certificate, and shall in addition thereto specify the time in which the same shall remain in force and effect, which in no case shall be other than the time in which the public schools where such children reside are closed for a summer vacation.

§ 167. Registry of children employed. The owner, manager or agent of a mercantile or other establishment specified

in section one hundred and sixty-one, employing children, shall keep or cause to be kept, in the office of such establishment, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated, or if such establishment is situated in a city of the first class upon the demand of the commissioner of labor. On termination of the employment of the child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. An officer of the board, department or commissioner of health of the town, village or city where a mercantile or other establishment mentioned in this article is situated, or if such establishment is situated in a city of the first class the commissioner of labor, may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this chapter, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such establishment. The officer may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said establishment, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the prin-

cipal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall, except in cities of the first class, be filed with the board, department or commissioner of health, and in cities of the first class with the commissioner of labor, and a material false statement made in any such paper or affidavit by any person shall be a misdemeanor. In case such employer shall fail to produce and deliver to the officer of the board, department or commissioner of health, or in cities of the first class to the commissioner of labor, within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such mercantile or other establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.

3. Employment in Street Trades

§ 220. Prohibited employment of children in street trades. No male child under ten, and no girl under sixteen years of age, shall in any city of the first or second class sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place.

§ 221. Permit and badge for newsboys, how issued. No male child under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the

same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of ten years or upwards, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of the normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Principals or chief executive officers of schools in which children under fourteen years are pupils shall keep complete lists of all children in their schools to whom a permit and badge as herein provided have been granted.

§ 222. Contents of permit and badge. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height and weight and any distinguishing facial mark of such child, and shall further state that the papers required by the preceding section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

§ 223. Regulations concerning badge and permit. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any

other person nor be engaged in any city of the first or second class as a newsboy, or shall sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

§ 224. Limit of hours. No child to whom a permit and badge are issued as provided for in the preceding sections shall sell or expose or offer for sale any newspapers, magazines or periodicals after ten o'clock in the evening, or before six o'clock in the morning.

§ 225. Enforcement of article. In cities of the first or second class, police officers, and the regular attendance officers appointed by the board of education who are hereby vested with the powers of peace officers for the purpose, shall enforce the provisions of this article.

§ 226. Violation of this article, how punished. Any child who shall work in any city of the first or second class in any street or public place as a newsboy or who shall sell or expose or offer for sale newspapers, magazines or periodicals in violation of the provisions of this article, shall be arrested and brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law; and if any such child is committed to an institution, it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child. The permit and badge of any child who violates the provisions of this article may be revoked by the officer issuing the same, upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any police officer or attendance officer, and such child shall surrender the permit and badge so revoked upon the demand of any attendance officer or police officer charged with the duty of enforcing the provisions of this article. The refusal of any child to surrender

such permit and badge, upon such demand, or the sale or offering for sale of newspapers, magazines or periodicals in any street or public place by any child after notice of the revocation of such permit and badge shall be deemed a violation of this article and shall subject the child to the penalties provided for in this section.

VIII. FINANCIAL PROVISIONS

State Finance Law (*L.* 1909, *ch.* 58)

§ 2-a. The salaries of all officers of the state, and the wages of all employees thereof shall be due from and payable by the state twice each month, on the first and sixteenth days thereof, except where such days fall upon Sunday or a legal holiday when such payments shall be made upon the succeeding business day. Said salaries and wages shall be subject to all the provisions of section thirteen hundred and ninety-one of the code of civil procedure applicable to any wages, debts, earnings or salary, as if the state and the said wages and salary due and payable by it had been particularly designated therein. The provisions of this section shall be deemed to supersede any other provision of this chapter or of any general or special law inconsistent herewith. [*Added by L.* 1910, *ch.* 317.]

§ 40. Gifts to the state of obligations of another state; how held. Whenever any person or persons, copartnership, corporation or association shall give, bequeath or assign to the state of New York any bonds, warrants, choses in action or other obligations of any other state, the governor is hereby authorized in his discretion, to receive and accept the same for the benefit of the state and the right and title thereto and therein shall thereupon pass to and vest in this state and the same and all the proceeds thereof when collected shall be held by the comptroller in a special account or fund subject to be appropriated by the legislature only for the support of common schools, or for the promotion of some educational interest in the state. Whenever it shall be necessary to protect or assert the right or title of the state to any such bonds, warrants, choses in action or other obligations so received, or to collect or enforce the same or any part thereof, principal or

interest, the attorney general is hereby authorized and directed to take the necessary and proper proceedings or to bring suit thereon in the name of the state in any court of competent jurisdiction, state or federal, and to prosecute all such suits or proceedings to a termination.

§ 80. The education fund. The common school fund, the literature fund, and the United States deposit fund, shall continue to consist of all moneys, securities or other property in the treasury of the state, or under the control of any state officer, and of all debts due the state, or real property owned by it, belonging to such funds. The proceeds of all lands which belonged to the state on January first, eighteen hundred and twenty-three, except the parts thereof reserved or appropriated to public use, or ceded to the United States, shall belong to the common school fund.

In case of any diminution of capital belonging to the common school fund, United States deposit fund or literature fund, there shall be transferred to the capital of such fund or funds from the income thereof so much as may be necessary to preserve the capital inviolate. Of the income of the United States deposit fund, twenty-five thousand dollars shall annually be added to the capital of the common school fund. It shall be the duty of the comptroller, at the close of each fiscal year, to transfer to the general fund the remainder of the income of the common school fund, United States deposit fund and literature fund, which together with such amounts as may be raised or received by taxation or otherwise for educational purposes, shall constitute the education fund, and appropriations therefrom may be made annually for the support of the educational system of the state, to be apportioned by the commissioner of education in the manner provided by law, which apportionment shall be certified by the commissioner of education to the comptroller for distribution and payment. The amount appropriated by the legislature for the support and maintenance of the common school system of the state, shall be payable from the treasury upon the warrant of the comptroller, and the comptroller shall countersign and enter all

checks drawn by the treasurer in payment of his warrants, and all receipts of the treasurer for such payments paid to the treasurer, and no such receipts shall be evidence of payment unless they be so countersigned.

IX. FEES OF SUPERVISOR

Town Law (*L.* 1909, *ch.* 63)

§ 85. Compensation of town officers.

3. The supervisor of each town shall be allowed and paid, in the same manner as other town charges are allowed and paid, a fee of one per centum on all moneys paid out by him as such supervisor, including school moneys disbursed by him as provided in the education law, moneys paid out by him for damages arising from dogs killing or injuring sheep as provided in article seven of the county law, moneys in his hands paid out by him for the relief of the poor, and all other town moneys paid out by him for defraying town charges, except moneys expended under article six of the highway law. But no such fees shall be allowed or paid upon moneys paid over by him to his successor in office. Such fees shall be in full compensation for all services rendered by him in respect to moneys received and paid out by him as such supervisor as provided by law except the compensation provided in section one hundred and ten of the highway law. [*As amended by L.* 1909, *ch.* 491.]

X. SCHOOL COMMISSIONER DISTRICTS

County Law (*L.* 1909, *ch.* 16)

§ 12. General powers. The board of supervisors shall:

9. Divide any school commissioner's district within the county which contains more than two hundred school districts, and erect therefrom an additional school commissioner's district, and when such district shall have been formed, a school commissioner for the district shall be elected in the manner provided by law for the election of school commissioners.

[Obsolete. Superseded by Education Law, art. 14, as amended by L. 1910, ch. 607.]

XI. LIQUORS SOLD NEAR SCHOOL-HOUSES

Liquor Tax Law (*L.* 1909, *ch.* 39)

§ 23. Places in which traffic in liquor shall not be permitted. Traffic in liquor shall not be permitted:

2. Under the provisions of subdivision one of section eight of this chapter, in any building, yard, booth or other place which shall be on the same street or avenue or within two hundred feet of a building occupied exclusively as a church or school-house; the measurements to be taken in a straight line from the center of the nearest entrance of the building used for such church or school to the center of the nearest entrance of the place in which such liquor traffic is desired to be carried on; provided, however, that this prohibition shall not apply to a place which on the twenty-third day of March, eighteen hundred and ninety-six, was lawfully occupied for a hotel, nor to a place in which such traffic in liquors was actually lawfully carried on at that date, nor to a place which at such date was occupied, or was in process of construction, by a corporation or association which traffics in liquors solely with the members thereof, nor to a place within such limit to which a corporation or association trafficking in liquors solely with the members thereof, at such date may remove . . . but none of the exemptions under this subdivision shall apply to subdivision one of this section, or . . .

XII. SAVINGS BANKS IN SCHOOLS

Banking Law (*L.* 1909, *ch.* 10)

§ 160. Advertisements of unauthorized savings banks prohibited. No bank, banking association, individual banker, firm, association, corporation, person or persons shall make use of the word "savings" in their banking business, or advertise or put forth any advertising literature, or sign as a savings bank, or in any way solicit or receive deposits as a savings bank, other than a savings bank or a co-operative savings and loan association organized under the laws of the state of New York. It shall, however, be lawful for the principal or superintendent of any public school or schools in the state of New York or for any

person designated for that purpose by the board of education or other school authority under which such school shall be to collect once a week, or from time to time, small amounts of savings from the pupils of said school, the same to be deposited by said principal or superintendent or designated person on the day of collection in some savings bank in the state or, in villages and cities in which there is no regularly established savings bank, in any savings and loan association, trust company, state or national bank, located in the state and having an interest department. These moneys shall be placed to the credit of the respective pupils from whom the money shall be collected, or if the amount collected at any one time shall be deemed insufficient for the opening of individual accounts, in the names of said principal or superintendent or designated person, in trust, and to be by him eventually transferred to the credit of the respective pupils to whom the same belongs. In the meantime, said principal or superintendent or designated person shall furnish to the bank a list giving the names, signatures, addresses, ages, places of birth, parents' names and such other data concerning the respective pupils as the savings bank may require, and it shall be lawful to use the words "system of school savings banks" or "school savings banks" in circulars, reports and other printed or written matter used in connection with the purposes of this section. Any bank, banking association, individual banker, firm, association, corporation, person or persons violating this provision shall forfeit to the people of the state for every offense the sum of one hundred dollars for every day such offense shall be continued provided, however, that upon the subsequent establishment of a savings bank, the deposit of such moneys, or the continuance of deposits, in any savings and loan association, trust company, state or national bank, previously used as a depository of school savings, shall not be deemed a violation of the provisions of this act. [*As amended by L.* 1909, *ch.* 497.]

APPENDIX B

OTHER LAWS RELATING TO THE UNIVERSITY

I. Incorporation of educational etc. corporations
1. General provisions as to incorporation
2. Tax to be paid upon incorporation
3. Other provisions as to powers and limitations
II. Gifts, devises and bequests for educational uses
1. Portion of estate to be devised or bequeathed
2. Gifts and bequests authorized
3. Grants and devises authorized
4. Accumulations for use of educational corporations
5. Transfer tax on devises and bequests
III. Libraries and state museum

I. INCORPORATION OF EDUCATIONAL ETC. CORPORATIONS

1. General Provisions as to Incorporation

State Constitution, Art. 8

§ 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation can not be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

Business Corporations Law (*L.* 1909, *ch.* 12)

§ 2. Incorporation. Except as provided in section two-a of this chapter, three or more persons may become a stock corporation for any lawful business purpose or purposes other than a moneyed corporation, or a corporation provided for by the banking, the insurance, the railroad and the transportation corporations laws, or an educational institution or corporation which may be incorporated as provided in the education law, by

making, signing, acknowledging and filing a certificate which shall contain: [*As amended by L.* 1909, *ch.* 484.]

Membership Corporations Law (*L.* 1909, *ch.* 40)

§ 40. Purposes for which corporations may be formed under this article. A membership corporation may be created under this article for any lawful purpose, except a purpose for which a corporation may be created under any other article of this chapter, or any other general law than this chapter.

See also *Education Law,* § 1097, § 1099. The Statutory Revision Commission called special attention before the enactment of this law to the fact that it would not allow incorporation, except by the regents, of any library, museum, or other institution or association for the promotion of science, literature, art, history, or other department of knowledge. All such corporations must hereafter be created only under section 1097 of the education law and by act of the regents.

2. Tax to be Paid upon Incorporation

Tax Law (*L.* 1909, *ch.* 62)

§ 180. Organization tax. Every stock corporation incorporated under any law of this state shall pay to the state treasurer a tax of one-twentieth of one per centum upon the amount of capital stock which the corporation is authorized to have, and a like tax upon any subsequent increase. Provided, that in no case shall such tax be less than five dollars. Such tax shall be due and payable upon the incorporation of such corporation or upon the increase of its capital stock. Except in the case of a railroad corporation neither the secretary of state nor county clerk shall file any certificate of incorporation or article of association, or give any certificate to any such corporation or association until he is furnished a receipt for such tax from the state treasurer, and no stock corporation shall have or exercise any corporate franchise or powers, or carry on business in this state until such tax shall have been paid. And in case of a decrease of capital stock, upon which the tax required by law has been paid, and a subsequent increase thereof, a tax shall be paid only upon so much of such increase as exceeds the amount of capital stock upon which a tax has been before paid. In case of the consolidation of existing corporations into a corporation, such

new corporation shall be required to pay the tax hereinbefore provided for only upon the amount of its capital stock in excess of the aggregate amount of capital stock of said corporations. This section shall not apply to state and national banks or to building, mutual loan, accumulating fund and co-operative associations. A railroad corporation need not pay such tax at the time of filing its certificate of incorporation, but shall pay the same before the public service commission shall grant a certificate, as required by the railroad law, authorizing the construction of the road as proposed in its articles of association, and such certificate shall not be granted by the public service commission until it is furnished with a receipt for such tax from the state treasurer. [*Amended by L.* 1910, *ch.* 472.]

3. Other Provisions as to Powers and Limitations

General Corporation Law (*L.* 1909, *ch.* 28)

§ 11. Grant of general powers. Every corporation as such has power, though not specified in the law under which it is incorporated. . .

3. To acquire by grant, gift, purchase, devise or bequest, to hold and to dispose of such property as the purposes of the corporation shall require, subject to such limitations as may be prescribed by law. . .

§ 12. Enlargement of limitations upon the amount of the property of non-stock corporations. If any general or special law heretofore passed, or any certificate of incorporation, shall limit the amount of property a corporation other than a stock corporation may take or hold, such corporation may take and hold property of the value of six million dollars or less, or the yearly income derived from which shall be six hundred thousand dollars or less, notwithstanding any such limitations. In computing the value of such property, no increase in value arising otherwise than from improvements made thereon shall be taken into account. [*As amended by L.* 1909, *ch.* 276.]

§ 13. Acquisition of additional real property. When any corporation, except a life insurance corporation, shall have sold or conveyed any part of its real property, the supreme court may, notwithstanding any restriction of a general or special law, authorize it to purchase and hold from time to time other real property, upon satisfactory proof that the value of the property so purchased does not exceed the value of the property so sold and conveyed within the three years next preceding the application.

§ 34. Quorum of directors and powers of majority. The affairs of every corporation shall be managed by its board of directors, at least one of whom shall be a resident of this state. Unless otherwise provided a majority of the board of directors of a corporation at a meeting duly assembled shall be necessary to constitute a quorum for the transaction of business and the act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors. The members of a corporation may in by-laws fix the number of directors necessary to constitute a quorum at a number less than a majority of the board, but at least equal to one-third of its number. Subject to the by-laws, if any, adopted by members of a corporation, the directors may make necessary by-laws of the corporation.

§ 300. Application of preceding articles to certain corporations. Articles fifth, sixth or seventh of this chapter do not apply to a religious corporation; or to a municipal or other political corporation, created by the constitution, or by or under the laws of this state; or to any corporation which the regents of the university have power to dissolve, except upon the application of the regents, or of the trustees of such a corporation; and in aid of its liquidation under such dissolution.

§ 306. A receiver of the property of a corporation can be appointed only by the court, and in one of the following cases:

1. An action, brought as prescribed in article fifth, sixth or seventh of this chapter.

2. An action brought for the foreclosure of a mortgage upon the property, of which the receiver is appointed, where the mortgage debt, or the interest thereupon, has remained unpaid at least thirty days after it was payable, and after payment thereof was duly demanded of the proper officer of the corporation and where either the income of the property is specifically mortgaged, or the property itself is probably insufficient to pay the mortgage debt.

3. An action brought by the attorney general, or by a stockholder, to preserve the assets of a corporation, having no officer empowered to hold the same.

4. A special proceeding for the voluntary dissolution of a corporation.

5. Upon the application of the regents of the university, in aid of the liquidation of a corporation whose dissolution they contemplate or have decreed; or upon the application of the trustees of such a corporation, with notice to the regents.

Where the receiver is appointed in an action, otherwise than by or pursuant to a final judgment, notice of the application for his appointment must be given to the proper officer of the corporation.

II. GIFTS, DEVISES AND BEQUESTS FOR EDUCATIONAL USES

1. Portion of Estate to be Devised or Bequeathed

Decedent's Estate Law (*L.* 1909, *ch.* 18)

§ 17. Devise or bequest to certain societies, associations and corporations. No person having a husband, wife, child or parent, shall, by his or her last will and testament, devise or bequeath to any benevolent, charitable, literary, scientific, religious or missionary society, association or corporation, in trust or otherwise, more than one half part of his or her estate, after the payment of his or her debts and such devise or bequest shall be valid to the extent of one half, and no more.

For the purpose of ascertaining the estate, only half of which can be devised to charitable or educational corporations, under the act of 1860, the widow's dower and the debts are to be first deducted.

A testator can not give to two or more corporations in the aggregate more than he can give to a single object; viz., one-half of his estate (Chamberlain *v.* Chamberlain, 43 N. Y. 425).

To ascertain whether the sums bequeathed to charitable corporations exceed one half the estate, when the sums so bequeathed are first given for life to other persons, the present value in money of the estate and the present value of the portion given must be estimated by the help of annuity tables (Hollis *v.* Drew Theological Seminary, 95 N. Y. 166). Heirs at law of a testator, however remote their relationship may be, are entitled to raise the objection that a devise or bequest is invalid under the act of 1860 (Rich *v.* Tiffany, 2 App. Div. 25).

§ 19. Devise or bequest to certain benevolent, charitable and scientific corporations. No person leaving a wife, or child, or parent, shall devise or bequeath to any institution or corporation formed under laws of eighteen hundred and forty-eight, chapter three hundred and nineteen, more than one-half of his or her estate, after the payment of his or her debts, and such devise or bequest shall be valid, to the extent of such one-half, and no such devise or bequest shall be valid, in any will which shall not have been made and executed at least two months before the death of the testator.

The proviso which forbids the taking of a devise in a will made not more than two months before death, is not repealed by chapter 360 of the laws of 1860 (Lefevre *v.* Lefevre, 59 N. Y. 449).

The limitation contained in the act has exclusive reference to corporations formed under it (Hollis *v.* Drew Theological Seminary, 95 N. Y. 166).

See 79 N. Y. 327; 77 Hun, 298; 33 App. Div. 49; 22 Misc. Rep. 198.

2. Gifts and Bequests Authorized

Personal Property Law (*L.* 1909, *ch.* 45)

§ 12. Gifts and bequests of personal property for charitable purposes. 1. No gift, grant, or bequest to religious, educational, charitable, or benevolent uses, which shall in other respects be valid under the laws of this state, shall be deemed invalid by reason of the indefiniteness or uncertainty of the persons designated as the beneficiaries thereunder in the instrument creating the same. If in the instrument creating such a gift, grant, or bequest there is a trustee named to execute

the same, the legal title to the property given, granted, or bequeathed for such purposes shall vest in such trustee. If no person be named as trustee then the title to such property shall vest in the supreme court.

2. The supreme court shall have control over gifts, grants and bequests in all cases provided for by subdivision one of this section, and, whenever it shall appear to the court that circumstances have so changed since the execution of an instrument containing a gift, grant or bequest to religious, educational, charitable or benevolent uses as to render impracticable or impossible a literal compliance with the terms of such instrument, the court may, upon the application of the trustee or of the person or corporation having the custody of the property, and upon such notice as the court shall direct, make an order directing that such gift, grant or bequest shall be administered or expended in such manner as in the judgment of the court will most effectually accomplish the general purpose of the instrument, without regard to and free from any specific restriction, limitation or direction contained therein; provided, however, that no such order shall be made without the consent of the donor or grantor of the property, if he be living. [*As amended by L.* 1909, *ch.* 144, § 1.]

3. The attorney-general shall represent the beneficiaries in all such cases, and it shall be his duty to enforce such trusts by proper proceedings in the courts.

This section can have no retroactive force and does not apply to a case where the property had, by the death of the testator, vested before the statute went into effect (Butler *v.* Trustees, 92 Hun, 96; People *v.* Powers, 147 N. Y. 109; Simmons *v.* Burrell, 8 Misc. Rep. 395).

§ 13. Certain educational and other charitable uses authorized. 1. Personal property may be granted, bequeathed, and conveyed to any incorporated college or other literary incorporated institution in this state, to be held in trust for any one or more of the following purposes:

(1). To establish and maintain an observatory;

(2). To found and maintain professorships and scholarships;

(3). To provide and keep in repair a place for the burial of the dead; or

(4). For any other specific purposes comprehended in the general objects authorized by their respective charters.

The said trusts may be created, subject to such conditions and visitations as may be prescribed by the grantor or donor, and agreed to by said trustees, and all property which shall hereafter be granted to any incorporated college or other literary incorporated institution in trust for any of the aforesaid purposes, may be held by such college or institution upon such trusts, and subject to such conditions and visitations as may be prescribed and agreed to as aforesaid.

2. Personal estate may be granted, bequeathed, and conveyed to the corporation of any city or village of this state, to be held in trust for any purpose of education, or the diffusion of knowledge, or for the relief of distress, or for parks, gardens, or other ornamental grounds, or grounds for the purposes of military parades and exercise, or health and recreation, within or near such incorporated city or village, upon such conditions as may be prescribed by the grantor or donor, and agreed to by such corporation.

3. Personal estate may be granted, or bequeathed to commissioners of common schools of any town, and to trustees of any school district, in trust for the benefit of the common schools of such town, or for the benefit of the schools of such district.

4. The trusts authorized by this section may continue for such time as may be necessary to accomplish the purposes for which they may be created.

See also general municipal law, §§ 140–146.

The acts of 1840 and 1841 authorizing charitable and educational corporations to take property in trust without any expressed limit, are not to be construed as extending the capacity to take (if) by their charters (they are) limited to a fixed sum (Chamberlain *v.* Chamberlain, 43 N. Y. 425).

§ 14. Certain gifts for charitable and educational uses regulated. 1. Any person desiring, in his lifetime, to promote the public welfare by founding, endowing and having

maintained a public library, museum or other educational institutions, or a chapel and crematory, within this state, may to that end and for such purposes by grant, in writing, convey to a trustee, or any number of trustees, named in such grant, and to their successors, any personal property belonging to such person. . .

3. Grants and Devises Authorized

Real Property Law (*L.* 1909, *ch.* 52)

§ 113. Grants and devises of real property for charitable purposes. 1. No gift, grant, or devise to religious, educational, charitable or benevolent uses, which shall in other respects be valid under the laws of this state, shall be deemed invalid by reason of the indefiniteness or uncertainty of the persons designated as the beneficiaries thereunder in the instrument creating the same. If in the instrument creating such a gift, grant, or devise there is a trustee named to execute the same, the legal title to the lands or property given, granted, or devised for such purposes shall vest in such trustee. If no person be named as trustee then the title to such lands or property shall vest in the supreme court.

2. The supreme court shall have control over gifts, grants and devises in all cases provided for by subdivision one of this section, and whenever it shall appear to the court that circumstances have so changed since the execution of an instrument containing a gift, grant or devise to religious, educational, charitable or benevolent uses as to render impracticable or impossible a literal compliance with the terms of such instrument, the court may, upon the application of the trustee or of the person or corporation having the custody of the property, and upon such notice as the court shall direct, make an order directing that such gift, grant or devise shall be administered or expended in such manner as in the judgment of the court will most effectually accomplish the general purpose of the instrument, without regard to and free from any specific restriction, limitation or direction contained

therein; provided, however, that no such order shall be made without the consent of the donor or grantor of the property, if he be living. [*As amended by L.* 1909, *ch.* 144, § 2.]

3. The attorney-general shall represent the beneficiaries in all such cases, and it shall be his duty to enforce such trusts by proper proceedings in the courts.

This section can have no retroactive force and does not apply to a case where the property had, by the death of the testator, vested before the statute went into effect (Butler *v.* Trustees, 92 Hun, 96; People *v.* Powers, 147 N. Y. 109; Simmons *v.* Burrell, 8 Misc. Rep. 395).

Real Property Law

§ 114. Certain educational and other charitable uses authorized. 1. Real property may be granted, devised, and conveyed to any incorporated college or other literary incorporated institution in this state, to be held in trust for any one or more of the following purposes:

(1) To establish and maintain an observatory;

(2) To found and maintain professorships and scholarships;

(3) To provide and keep in repair a place for the burial of the dead; or

(4) For any other specific purposes comprehended in the general objects authorized by their respective charters.

The said trusts may be created, subject to such conditions and visitations as may be prescribed by the grantor or donor, and agreed to by said trustee, and all property which shall hereafter be granted to any incorporated college or other literary incorporated institution in trust for any of the aforesaid purposes, may be held by such college or institution upon such trusts, and subject to such conditions and visitations as may be prescribed and agreed to as aforesaid.

2. Real estate may be granted, devised, and conveyed to the corporation of any city or village of this state, to be held in trust for any purpose of education, or the diffusion of knowledge, or for the relief of distress, or for parks, gardens, or other orna-

mental grounds, or grounds for the purposes of military parades and exercise, or health and recreation, within or near such incorporated city or village, upon such conditions as may be prescribed by the grantor or donor, and agreed to by such corporation; and all real estate so granted or conveyed to such corporation may be held by the same, subject to such conditions as may be prescribed and agreed to as aforesaid.

3. Real estate may be granted or devised, to commissioners of common schools of any town, and to trustees of any school district, in trust for the benefit of the common schools of such town, or for the benefit of the schools of such district.

4. The trusts authorized by this section may continue for such time as may be necessary to accomplish the purposes for which they may be created.

See also general municipal law, §§ 140–146.
The acts of 1840 and 1841 authorizing charitable and educational corporations to take property in trust without any expressed limit, are not to be construed as extending the capacity to take [if] by their charters [they are] limited to a fixed sum (Chamberlain *v.* Chamberlain, 43 N. Y. 425).

§ 115. Certain grants for charitable uses regulated. Any person desiring, in his lifetime, to promote the public welfare by founding, endowing and having maintained a public library, museum or other educational institutions, or a chapel and crematory within this state, may to that end and for such purposes by grant, in writing, convey to a trustee, or any number of trustees, named in such grant and to their successors, any real property, belonging to such person, and situated or being within this state. . .

4. Accumulations for Use of Educational Corporations

Personal Property Law (*L.* 1909, *ch.* 45)

§ 16. Validity of directions for accumulation of income. An accumulation of the income of personal property, directed by any instrument sufficient in law to pass such property is valid:

1. If directed to commence from the date of the instrument, or the death of the person executing the same, and to be made for the benefit of one or more minors, then in being, or in being at such death, and to terminate at or before the expiration of their minority.

2. If directed to commence at any period subsequent to the date of the instrument or subsequent to the death of the person executing it, and directed to commence within the time allowed for the suspension of the absolute ownership of personal property, and at some time during the minority of the persons for whose benefit it is intended, and to terminate at or before the expiration of their minority.

3. All other directions for the accumulation of the income of personal property, not authorized by statute, are void. In either case mentioned in subdivisions one and two of this section a direction for any such accumulation for a longer term than the minority of the persons intended to be benefited thereby, has the same effect as if limited to the minority of such persons, and is void as respects the time beyond such minority.

Provided that, the income arising from any personal property granted or conveyed, or bequeathed, in trust to any incorporated college or other incorporated literary institution, for any of the purposes specified in section thirteen of this chapter, or for the purpose of providing for the maintenance of any teacher in a grammar school or institute, may be permitted to accumulate until the same shall amount to a sum sufficient, in the opinion of the regents of the university, to carry into effect any of the charitable uses and trusts mentioned in either section thirteen of this chapter or in this paragraph of this section.

Provided, if any of the principal of any trust fund actually received by any incorporated college, or other incorporated literary institution, or by the corporation of any city or village, or by the commissioners of common schools of any town, or by the trustees of any school district, under any grant, conveyance, or bequest, for any of the purposes for which trusts are authorized under section thirteen of this chapter, shall subsequently become dimin-

ished from any cause, such diminution may be made up by the accumulation of the interest or income of the principal of such trust fund, in accordance with the directions, if any, contained in the grant, conveyance, or bequest of such trust fund; and if no directions for that purpose are contained in such grant, conveyance, or bequest, then such diminution may be made up in whole or in part by such accumulation, in the discretion of the trustees of such trust fund; but in no case shall such accumulation be allowed to increase the trust fund beyond the true amount or value thereof, actually received by the trustees, to be estimated after the deduction of all liens and incumbrances on such trust fund, and of all expenses incurred or paid by the trustees in the collection or obtaining the possession of the same.

Real Property Law (*L.* 1909, *ch.* 52)

§ 61. Accumulations. All directions for the accumulation of the rents and profits of real property, except such as are allowed by statute, shall be void. An accumulation of rents and profits of real property, for the benefit of one or more persons, may be directed by any will or deed sufficient to pass real property, as follows:

1. If such accumulation be directed to commence on the creation of the estate out of which the rents and profits are to arise, it must be made for the benefit of one or more minors then in being, and terminate at or before the expiration of their minority.

2. If such accumulation be directed to commence at any time subsequent to the creation of the estate out of which the rents and profits are to arise, it must commence within the time permitted, by the provisions of this article, for the vesting of future estates, and during the minority of the beneficiaries, and shall terminate at or before the expiration of such minority.

3. If in either case, hereinbefore provided for, such direction be for a longer term than during the minority of the beneficiaries, it shall be void only as to the time beyond such minority.

Provided, that the income arising from any real property granted, conveyed, or devised in trust to any incorporated college

or other incorporated literary institution for any of the purposes specified in section one hundred and fourteen of this chapter, or for the purpose of providing for the support of any teacher in a grammar school or institute, may be permitted to accumulate until the same shall amount to a sum sufficient, in the opinion of the regents of the university, to carry into effect any of the charitable uses and trusts mentioned either in section one hundred and fourteen of this chapter or in this paragraph of this section.

Provided, if any of the principal of any trust fund actually received by any incorporated college, or other incorporated literary institution, or by the corporation of any city or village, or by the commissioners of common schools of any town, or by the trustees of any school district, under any grant, conveyance, or devise, for any of the purposes for which trusts are authorized under section one hundred and fourteen of this chapter, shall subsequently become diminished from any cause, such diminution may be made up by the accumulation of the interest or income of the principal of such trust fund, in accordance with the directions, if any, contained in the grant, conveyance or devise of any such trust fund; and if no directions for that purpose are contained in such grant, conveyance or devise, then such diminution may be made up in whole or in part by such accumulation, in the discretion of the trustees of such trust fund; but in no case shall such accumulation be allowed to increase the trust fund, beyond the true amount or value thereof, actually received by the trustees, to be estimated after the deduction of all liens and incumbrances on such trust fund, and of all expenses incurred or paid by the trustees in the collection or obtaining the possession of the same.

5. Transfer Tax on Devises and Bequests

Tax Law (*L.* 1909, *ch.* 62)

§ 221. Exceptions and limitations. . . But any property devised or bequeathed to any person who is a bishop or to any religious, educational, charitable, missionary, benevolent, hospital or infirmary corporation, including corporations organized exclusively for bible or tract purposes, shall be exempted

from and not subject to the provisions of this article. There shall also be exempted from and not subject to the provisions of this article personal property other than money or securities bequeathed to a corporation or association organized exclusively for the moral or mental improvement of men or women or for scientific, literary, library, patriotic, cemetery or historical purposes or for the enforcement of laws relating to children or animals or for two or more of such purposes and used exclusively for carrying out one or more of such purposes. But no such corporation or association shall be entitled to such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purpose be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association or for any of its members or employees or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

III. LIBRARIES AND STATE MUSEUM

Insanity Law (*L.* 1909, *ch.* 32)

§ 51. . . Libraries may be furnished to any state hospital by the regents of the university of the state of New York, subject to regulations adopted by them and the commission [in lunacy], the expense of which shall be included in the monthly estimates of the hospital. . .

General Municipal Law (*L.* 1909, *ch.* 29)

§ 79. Free public libraries. Any municipal corporation may establish and maintain a free public library or museum in accordance with the library provisions of sections ten hundred and twenty-seven to ten hundred and forty-four, both inclusive, of education law.

See also education law, §§ 453, 1045–51.

Indian Law (*L.* 1909, *ch.* 31)

§ 27. The university of the state of New York, which was duly elected to the office of wampum-keeper by the Onondaga nation on February twenty-sixth, eighteen hundred and ninety-eight, and which by unanimous action of its regents on March twenty-second, eighteen hundred and ninety-eight, accepted such election as authorized to do by law, and which accepted the custody of the wampums as formally transferred to the chancellor as part of the exercises and with the unanimous approval, both of the election and transfer, by the council of the Five Nations held in the senate chamber of the capitol at Albany on June twenty-second, eighteen hundred and ninety-eight, by duly chosen representatives of all the original nations of the Ho-de-no-sau-nee, shall hereafter be recognized in all courts and places, as having every power which has ever, at any time, been exercised by any wampum-keeper of the Onondaga nation, or of any of the Ho-de-no-sau-nee, otherwise known as the Five Nations, or the Six Nations, or the Iroquois, and shall keep such wampums in a fireproof building, as public records, forever, and is hereby authorized to secure by purchase, suit, or otherwise, any wampums which have ever been in the possession of any of the Ho-de-no-sau-nee, or any preceding wampum-keeper, and which are now owned by any of them or to which any of them is entitled, or to which it is entitled, in law or in equity; and to maintain and carry on suit to recover any of such wampums in its own name or in the name of the Onondaga nation at any time notwithstanding that the cause of action may have accrued more than six years, or any time, before the commencement of any such suit.

The provisions of this section shall not apply to the subject matter of any litigation pending on March twenty-seventh, eighteen hundred and ninety-nine, in any court of this state.

Forest, Fish and Game Law (*L.* 1909, *ch.* 24)

§ 101. Certificate to collect for scientific purposes. A certificate may be issued by the commission, to any person

upwards of eighteen years of age, permitting the holder thereof to collect birds, birds' nests or eggs for scientific purposes. Before such certificate is issued, the applicant must file written testimonials from two well known scientific ornithologists certifying to his good character and fitness to be intrusted with the privilege. Every applicant except an officer of the New York State Museum, must pay one dollar for the expense of issuing the certificate, and must file a bond in the penal sum of two hundred dollars with two responsible sureties to be approved by the commission, conditioned that he will not violate the provisions of this chapter or avail himself of the privileges of said certificate for other than scientific purposes. Persons receiving such certificate must report the result of collections made thereunder annually to the commissioner, at the expiration of the license. Such a certificate shall be in force for one year only from the date of issue and shall not be transferable.

APPENDIX C

PRACTICE OF PROFESSIONS

I. Practice of law
II. Practice of medicine
III. Dental societies and the practice of dentistry
IV. Veterinary medicine and surgery
V. Pharmacy
VI. Registration of nurses
VII. Optometry
VIII. Public accountants

I. PRACTICE OF LAW

Judiciary Law (*L.* 1909, *ch.* 35) *art.* 15

Section 460. Examination and admission of attorneys.
461. State board of law examiners continued.
462. Times and places of examinations.
463. Certification by state board of successful candidates.
464. Annual account by state board of law examiners.
465. Fee for examinations.
466. Attorney's oath of office.
467. Race or sex no bar to admission to practice.
468. Registration of attorneys before beginning to practice.
469. Official register of attorneys to be kept by clerk of court of appeals.
470. Attorneys having offices in this state may reside in adjoining state.
471. Attorney who is judge's partner or clerk prohibited from practicing before him or in his court.
472. Attorney who is surrogate's father or son prohibited from practicing before him.
473. Sheriffs, constables, coroners, criers and attendants prohibited from practicing during term of office.

Section 474. Compensation of attorney or counsellor.
475. Attorney's lien in action or special proceeding.
476. Suspension of attorney from practice must be on notice.
477. Attorney convicted of felony shall cease to be attorney.
478. Suspension or removal of attorney effective in all courts.
479. Action against attorney for lending his name in suits and against person using name.

§ 460. Examination and admission of attorneys. A citizen of the state, of full age, applying to be admitted to practice as an attorney or counsellor in the courts of record of the state, must be examined and licensed to practice as prescribed in this chapter.

§ 461. State board of law examiners continued. The state board of law examiners is continued. Said board shall consist of three members of the bar, of at least ten years' standing, who shall be appointed, from time to time, by the court of appeals, and shall hold office, as a member of such board for a term of three years, and until the appointment of his successor.

§ 462. Times and places of examinations. There shall be examinations of all persons applying for admission to practice as attorneys and counsellors-at-law at least twice in each year in each judicial department, and at such other times and places as the court of appeals may direct.

§ 463. Certification by state board of successful candidates. The state board of law examiners shall certify to the appellate division of the supreme court of the department in which each candidate has resided for the past six months every person who shall pass the examination, provided such person shall have in other respects complied with the rules regulating admission to practice as attorneys and counsellors, which fact shall be determined by said board before examination.

§ 464. Annual account by state board of law examiners. The state board of law examiners shall render during

the month of January, an annual account of all their receipts and disbursements to the court of appeals.

§ 465. Fee for examinations. Every person applying for examination for admission to practice as an attorney and counsellor-at-law shall pay such fee, not to exceed fifteen dollars, as may be fixed by the court of appeals as necessary to cover the cost of such examination. On payment of one examination fee the applicant shall be entitled to the privilege of not exceeding three examinations.

§ 466. Attorney's oath of office. Each person, admitted as prescribed in this chapter must, upon his admission, take the constitutional oath of office in open court, and subscribe the same in a roll or book, to be kept in the office of the clerk of the appellate division of the supreme court for that purpose.

§ 467. Race or sex no bar to admission to practice. Race or sex shall constitute no cause for refusing any person examination or admission to practice.

§ 468. Registration of attorneys before beginning to practice. Every person who is hereafter duly licensed and admitted to practice as an attorney and counsellor-at-law in the courts of record of this state by an appellate division of the supreme court, shall subscribe and take and file an oath or affirmation which must be substantially in the following form, the blanks being properly filled before he begins or is entitled to begin to practice for another as an attorney and counsellor-at-law in the courts of this state or in any court in the county of New York or in the county of Kings:

State of New York, }
..... County, } ss.:

I, ..., being duly sworn (or affirmed) do depose and say that I am a natural born citizen of the United States (if naturalized, state when and where) and now reside at ..... (or, if a resident of an adjoining state and admitted to practice in the courts of record of this state and whose office for the transaction of law business is within this state, state the fact), that I was duly and regularly licensed and admitted to practice as an attorney-at-law or as an attorney and counsellor-at-law in the

courts of record of this state at the ..... term, 18...., of the general term (or appellate division) of the supreme court (or other court as the case may be) held at ..... and that I took the constitutional oath of office.

Subscribed and sworn to before me,
this....day of....., 189....

which oath or affirmation shall be filed in the office of the clerk of the court of appeals by the person making the same, provided, nevertheless, that such affidavit or affirmation may state that the deponent or affirmant believes that he took the constitutional oath of office in lieu of stating unqualifiedly that he did so, where the affidavit or affirmation states, or in substance shows, the deponent's or affirmant's lack of positive or certain recollection of having taken such oath, or shows other substantial reason for thus qualifying the affidavit or affirmation on that subject.

If any attorney or counsellor-at-law or solicitor in chancery or attorney of or in the supreme court on the first Monday of July, eighteen hundred and forty-seven who was entitled to file the said oath or affirmation under the provisions of laws of eighteen hundred and ninety-eight, chapter one hundred sixty-five, as amended, before July first, eighteen hundred and ninety-nine, has failed to do so, the special term of the supreme court of the judicial district where such attorney-at-law or attorney or counsellor-at-law resides, may, upon proof by affidavit showing reasonable grounds therefor, grant an order permitting the applicant to make and file the oath or affirmation required herein, with the same effect as if the same had been made and filed within the time above stated, and relieving him from penalties and prosecutions by reason of failure to make and file such oath or affirmation within the time required.

Every person filing with the clerk of the court of appeals the oath or affirmation hereinbefore provided shall pay to the said clerk at the time of such filing the sum of twenty-five cents to defray the necessary disbursements incurred by him in carrying out the provisions of this article.

A person who practices any fraud or deceit or knowingly makes any false statement in the oath or affirmation in and by this section required to be made and filed is guilty of felony.

§ 469. Official register of attorneys to be kept by clerk of court of appeals. It shall be the duty of the clerk of the court of appeals to file in his office the said oaths or affirmations aforesaid, and to compile the statements contained therein, and to enter therefrom in a bound book or volume to be kept by him for that purpose, which shall be known and designated as and is hereby made the "official register of attorneys and counsellors-at-law in the state of New York," in the alphabetical order of the first letter of their surnames, the names and residences and the title of the court and the time and place where admitted, and the date the oath or affirmation aforesaid was filed, of all persons who have filed in his said office the oath or affirmation as aforesaid, which said "official register of attorneys and counsellors-at-law in the state of New York," is hereby declared to be a public record and presumptive evidence that the individuals therein named are duly registered to practice as attorneys and counsellors-at-law in the courts of record of this state or in any court in the counties of New York and Kings.

§ 470. Attorneys having offices in this state may reside in adjoining state. A person, regularly admitted to practice as an attorney and counsellor, in the courts of record of the state, whose office for the transaction of law business is within the state, may practice as such attorney or counsellor, although he resides in an adjoining state.

§ 471. Attorney who is judge's partner or clerk prohibited from practicing before him or in his court. The law partner or clerk of a judge shall not practice before him, as attorney or counsellor in any cause, or be employed in any cause which originated before him. A law partner of, or person connected in law business with a judge, shall not practice or act as an attorney or counsellor, in a court, of which the judge is, or is entitled to act as a member, or in a cause originating in that court; except where the latter is a member of

a court, ex-officio, and does not officiate or take part, as a member of that court, in any of the proceedings therein.

§ 472. Attorney who is surrogate's father or son prohibited from practicing before him. A surrogate's father or son shall not practice or be employed as attorney or counsel, in any case, in which his partner or clerk is prohibited by law from so practicing, or being employed.

§ 473. Sheriffs, constables, coroners, criers and attendants prohibited from practicing during term of office. A sheriff, under sheriff, deputy-sheriff, sheriff's clerk, constable, coroner, crier, or attendant of a court, shall not, during his continuance in office, practice as an attorney or counsellor in any court.

§ 474. Compensation of attorney or counsellor. The compensation of an attorney or counsellor for his services is governed by agreement, express or implied, which is not restrained by law.

§ 475. Attorney's lien in action or special proceeding. From the commencement of an action or special proceeding, or the service of an answer containing a counterclaim, the attorney who appears for a party has a lien upon his client's cause of action, claim or counterclaim, which attaches to a verdict, report, decision, judgment or final order in his client's favor, and the proceeds thereof in whosoever hands they may come; and the lien can not be affected by any settlement between the parties before or after judgment or final order. The court upon the petition of the client or attorney may determine and enforce the lien.

§ 476. Suspension of attorney from practice must be on notice. Before an attorney or counsellor is suspended or removed as prescribed in section eighty-eight of this chapter, a copy of the charges against him must be delivered to him personally or, in case it is established to the satisfaction of the court, that he can not be served within the state, the same may be served upon him without the state by mail or otherwise as the court may direct, and he must be allowed an opportunity of being heard in his defense. It shall be the duty of any district attorney within a department, when so designated by the appellate

division of the supreme court, to prosecute all cases for the removal or suspension of attorneys and counsellors.

§ 477. Attorney convicted of felony shall cease to be attorney. Any person being an attorney and counsellor-at-law, who shall be convicted of a felony, shall, upon such conviction, cease to be an attorney and counsellor-at-law, or to be competent to practice law as such.

§ 478. Suspension or removal of attorney effective in all courts. The suspension or removal of an attorney or counsellor, by the supreme court, operates as a suspension or removal in every court of the state.

§ 479. Action against attorney for lending his name in suits and against person using name. If an attorney knowingly permits a person not being his general law partner, or a clerk in his office, to sue out a mandate, or to prosecute or defend an action in his name, he, and the person who so uses his name, each forfeits to the party against whom the mandate has been sued out, or the action prosecuted or defended, the sum of fifty dollars, to be recovered in an action.

Court of Appeals Orders, May 14, 1900

Alton B. Parker, Chief Judge

1. *It is ordered,* That applicants for examination for admission to the bar are to be deemed graduates of colleges or universities, within the meaning and intent of the rules for the admission of attorneys and counsellors-at-law, when they have successfully completed a course of college instruction that requires as a condition of graduation at least six full years in liberal arts and sciences in advance of a completed eight year elementary course.

2. *It is further ordered,* That the university of the state of New York may issue law student certificates upon substantial equivalents and substitutes, to be defined by the rules of the university, in all cases not provided for by the rules for the admission of attorneys and counsellors-at-law now in force.

Rules of the Court of Appeals for the admission of attorneys and counsellors-at-law

As amended April 24, 1908, *to take effect June* 1, 1908

I. Admission. No person shall be admitted to practice as an attorney or counsellor in any court of record in this state, without a regular admission to the bar and license to practice granted by the appellate division of the supreme court.

II. Admission without examination. Any person who has been admitted to practice and has practiced three years as an attorney and counsellor in the highest court of law in another state, and any person who has thus practiced in another country, or who, being an American citizen and domiciled in a foreign country, has received such diploma or degree therein as would entitle him, if a citizen of such foreign country, to practice law in its courts, may, in the discretion of the appellate division of the supreme court, be admitted and licensed without an examination. But he must possess the other qualifications required by these rules and must produce a letter of recommendation from one of the judges of the highest court of law of such other state or country; or furnish other satisfactory evidence of character and qualifications.

A person who resides in an adjoining state, upon compliance with this rule, may, without change of residence, be admitted to practice, on sufficient proof that he intends forthwith to open, and permanently to maintain, an office for the transaction of law business in this state.

III. Admission on examination. All other persons may be admitted and licensed upon producing and filing with the court the certificate of the state board of law examiners that the applicant has satisfactorily passed the examination prescribed by these rules and has complied with their provisions, and upon producing and filing with the court evidence that such applicant is a person of good moral character, which must be shown by the affidavits of two reputable persons of the town or city in which he resides, one of whom must be a practicing attorney of the supreme court.

Such affidavits must state that the applicant is, to the knowledge of the affiant, a person of good moral character, and must set forth in detail the facts upon which such knowledge is based; but such affidavits shall not be conclusive and the court may make further examination and inquiry.

IV. Affidavits required. To entitle an applicant to an examination as an attorney and counsellor, he must prove by his own affidavit, to the satisfaction of the state board of law examiners:

1. That he is a citizen of the United States, twenty-one years of age (stating his age) and an actual and not a constructive resident of the state for not less than six months immediately preceding, and that he has not been examined for admission to practice and refused admission and license within three months immediately preceding.

2. That he has studied law, in the manner and according to the conditions hereinafter prescribed, for a period of three years and that he is the same person mentioned in his annexed preliminary papers; except that, if the applicant be a graduate of any college or university, his period of study may be two years instead of three and except, also, that persons who have been admitted as attorneys in the highest court of original jurisdiction of another state or country, and have remained therein as practicing attorneys for at least one year, may be admitted to such examination after a period of law study of one year within this state.

V. Terms and conditions. Applicants for examination shall be deemed to have studied law within the meaning of these rules, only, when they have complied with the following terms and conditions, viz.:

1. The provisions for requisite periods of study must be fulfilled by serving a regular clerkship in the office of a practicing attorney of the supreme court in this state after the age of eighteen years; or, after such age, by satisfactory attendance upon and successfully completing the prescribed course of instruction at an incorporated law school, or a law school connected with

an incorporated college, or university, having a law department organized with competent instructors and professors, in which instruction as hereinafter provided is regularly given; or, after such age, by pursuing such course of study in part by attendance at such law school, and in part by serving such clerkship.

2. If the applicant be a graduate of a college, or university, he must have pursued the prescribed course of study after his graduation and, if he be a person admitted to the bar of another state or country, he must have pursued his prescribed period of study after having remained as a practicing attorney in such other state or country for the period of one year.

3. Applicants who are not graduates of a college, or university, subject to the limitations and requirements hereinafter, in this subdivision, expressed or members of the bar as above described, before entering upon the clerkship, or attendance at a law school herein prescribed, shall have passed an examination conducted under the authority and in accordance with the ordinances and rules of the university of the state of New York, in English, three years; mathematics, two years; Latin, two years; science, one year; history, two years; or in their substantial equivalents as defined by the rules of the university, and shall have filed a certificate of such fact, signed by the commissioner of education, with the clerk of the court of appeals, whose duty it shall be to return to the person named therein a certified copy of the same, showing the date of such filing. The regents may accept as the equivalent of and substitute for the examination in this rule prescribed, either, first, a certificate, properly authenticated, of having successfully completed a full year's course of study in any college, or university; second, a certificate, properly authenticated, of having satisfactorily completed a four years' course of study in any institution registered by the regents as maintaining a satisfactory academic standard; or, third, a regents diploma. All graduates of a college or university existing under the government or laws of any foreign country other than those where English is the language of the people and all applicants who apply for law students certificates upon equivalents or substi-

tutes, as above provided, all or any part of which are earned or issued in said foreign countries, shall pass the regents' examination in second year English. The regents' certificate above prescribed shall be deemed to take effect as of the date of the completion of the regents' examination, as the same shall appear upon said certificate.

4. Satisfactory attendance upon and the successful completion of the prescribed course of instruction at a law school, the school year of which shall consist of not less than thirty-two school weeks, exclusive of vacations, in which not less than twelve hours of attendance upon law lectures or recitations of such prescribed course, to be given or conducted by regular members of the faculty, are required in each week, shall be deemed a year's attendance under this rule. In computing the period of clerkship a vacation actually taken, not exceeding two months in each year, shall be allowed as a part of such year.

It shall be the duty of attorneys, with whom a clerkship shall be commenced, to file a certificate of the same in the office of the clerk of the court of appeals, which certificate shall, in each case, state the date of the beginning of the period of clerkship, and such period shall be deemed to commence at the time of such filing and shall be computed by the calendar year. In the case of a qualified law school in which the school year consists of less than an aggregate of three hundred and eighty-four hours of attendance upon law lectures or recitations, but where the prescribed course for graduation is three years, a student who graduates therein upon the completion of the prescribed course shall be entitled to be credited with two years' attendance under this rule. The same period of time shall not be duplicated for different purposes; except that a student attending a law school, as herein provided, and who, during the vacations of such school, not exceeding three months in any one year, shall pursue his studies in the office of a practicing attorney, shall be allowed to count the time so occupied during such vacation or vacations as part of the clerkship in a law office specified in these rules.

5. The justices for each appellate division may adopt for their several and respective departments such additional special rules for ascertaining the moral and general fitness of applicants as to such justices may seem proper.

VI. Proof of preliminaries. The state board of law examiners, before admitting an applicant to an examination, shall require proof that the preliminary conditions prescribed by these rules have been fulfilled; which proof shall be made as follows, viz.:

1. That the applicant is a college graduate, by the production of his diploma, or certificate of graduation, under the seal of the college.

2. That he has been admitted to the bar of another state or country, by the production of his license, or certificate, executed by the proper authorities.

3. That he has served a regular clerkship in the office of a practicing attorney of the supreme court in this state, after the age of eighteen years, by producing and filing with the board a certified copy of the attorney's certificate, as filed in the office of the clerk of the court of appeals, and producing and filing an affidavit of the attorney or attorneys with whom such clerkship was served, showing the actual service of such a clerkship, the continuance and end thereof, and that not more than two months' vacation was taken in any one year. Both of said affidavits must be to the effect that during the entire period of such clerkship, except during the stated vacation time, the applicant was actually employed by said attorney as a regular law clerk and student in his law office, and, under his direction and advice, engaged in the practical work of the office during the usual business hours of the day.

4. The time of study allowed in a law school must be proved by the certificate of the teacher or president of the faculty, under whose instructions the person has studied, under the seal of the school, if such there be, in addition to the affidavit of the applicant, which must, also, state the age at which the applicant began his attendance at such law school. Said certificate and affidavit

must, also, state the facts required by subdivision four of rule V; which proof must be satisfactory to the board of examiners.

5. That the applicant has passed the regents' examination, or its equivalent, must be proved by the production of a certified copy of the regents' certificate filed in the office of the clerk of the court of appeals, as hereinbefore provided.

6. When it satisfactorily appears that any diploma, affidavit, or certificate, required to be produced has been lost, or destroyed, without the fault of the applicant, or has been unjustly refused or withheld, or, by the death, or absence of the person or officer who should have made it, cannot be obtained, the board of law examiners may accept such other proof of the requisite facts as they shall deem sufficient.

7. A law student whose clerkship, or attendance at a law school, has already begun, as shown by the records of the court of appeals, or of any incorporated law school, or law school established in connection with any college or university, may, at his option, file or produce, instead of the proofs required by these rules, those required by the rules of the court of appeals adopted December second, eighteen hundred and ninety-five.

VII. Certificate validated. When the filing of a certificate, as required by these rules, has been omitted by excusable mistake, or without fault, the court may order such filing as of the proper date. All certificates heretofore issued to law students by the board of regents, and founded upon equivalents instead of an actual examination, are validated and made effectual, and may be accepted as sufficient by the board of law examiners.

VIII. State Board's compensation. The state board of law examiners shall be paid as compensation, each, the sum of two thousand dollars per year and, in addition, such further sum as the court may direct, and an annual sum not exceeding two thousand dollars per year shall be allowed for necessary disbursements of the board. Every applicant for examination shall pay to the examiners a fee of ten dollars, which shall be applied upon the compensation and allowance above provided, and any surplus thereafter remaining shall be held by the treasurer of the state

board of law examiners and deposited in some bank, in good standing, in the city of Albany, to his credit and subject to his draft as such treasurer, when approved by the chief judge. The examination held by such state board of examiners may be conducted by oral or written questions and answers, or partly oral and partly written, but shall be as nearly uniform in the knowledge and capacity which they shall require, as is reasonably possible. An applicant who has failed to pass one examination cannot again be examined, until at least three months after such failure.

IX. In effect. These rules shall take effect on July first, nineteen hundred and seven.

These amendments shall take effect on the first day of June, nineteen hundred and eight, but the amendment to subdivision third of rule V shall not apply to any student whose clerkship or attendance at a qualified law school has already begun, or shall have begun prior to June first, nineteen hundred and eight, as shown by the records of the court of appeals, or of any incorporated law school, or law school established in connection with any college or university.

II. PRACTICE OF MEDICINE

Public Health Law (*L.* 1909, *ch.* 49), *art.* 8

Section 160. Definitions.
161. Qualifications.
162. The state board of medical examiners.
163. Certificate of appointment; oath; powers.
164. Expenses.
165. Officers; meetings; quorum; committees.
166. Admission to examination.
167. Questions.
168. Examinations and reports.
169. Licenses.
170. Registry; revocation of license; annulment of registry.
171. Registry in another county.

Section 172. Certificate presumptive evidence; unauthorized registration and license prohibited.
173. Construction of this article.
174. Penalties and their collection.

§ 160. Definitions. As used in this article:

1. "The education department" means the education department of the state of New York as provided for by the education law.

2. "University" means university of the state of New York.

3. "Regents" means board of regents of the university of the state of New York.

4. "Board" means the board of medical examiners of the state of New York.

5. "Medical examiner" means a member of the board of medical examiners of the state of New York.

6. "Medical school" means any medical school, college or department of a university, registered by the regents as maintaining a proper medical standard and as legally incorporated.

7. The practice of medicine is defined as follows: A person practices medicine within the meaning of this article, except as hereinafter stated, who holds himself out as being able to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition, and who shall either offer or undertake, by any means or method, to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition.

8. "Physician" means a practitioner of medicine.

§ 161. Qualifications. No person shall practice medicine, unless registered and legally authorized prior to September first, eighteen hundred and ninety-one, or unless licensed by the regents and registered under article eight of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three and acts amendatory thereto, or unless licensed by the regents and registered as required by this article; nor shall any person practice under this article who has ever been convicted of a

felony by any court, or whose authority to practice is suspended or revoked by the regents on recommendation of the state board. The conviction of a felony shall include the conviction of any offense which if committed within the state of New York would constitute a felony under the laws thereof.

§ 162. The state board of medical examiners. The state board of medical examiners is continued. The members of said board now in office shall continue in office until the expiration of their respective terms. Said board shall consist of nine members who shall be appointed by the regents and who shall hold office for three years from August first of the year in which appointed. The regents shall annually appoint three members to fill the vacancies caused by expiration of term of office, and may at any time fill vacancies on the board caused by death, resignation, or removal from office. No person shall be appointed a member of the board of medical examiners who is not eligible to receive a license to practice from the regents in accordance with the provisions of this article or of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three and acts amendatory thereof and who has not been in practice in this state for at least five years prior to date of appointment. The regents may remove any member of the board of examiners for misconduct, incapacity or neglect of duty. The regents shall appoint a secretary to the board of examiners, who shall not be a member of the board, and who shall hold office during the pleasure of the regents and who shall receive an annual compensation of four thousand dollars, payable from the fees received under this article. The secretary shall be a duly licensed physician.

§ 163. Certificate of appointment; oath; powers. Every medical examiner shall receive a certificate of appointment from the regents and before beginning his term of office shall file with the secretary of state the constitutional oath of office. The board, or any committee thereof, may employ counsel, shall have the power to compel the attendance of witnesses, and may take testimony and proofs concerning all matters within its juris-

diction. The board may, subject to the regents' approval, make all by-laws and rules not inconsistent with law needed in performing its duties; but no by-law or rule by which more than a majority vote is required for any specified action by the board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§ 164. Expenses. The fees derived from the operation of this article shall be paid into the state treasury, and the legislature shall annually appropriate therefrom for the education department an amount sufficient to pay all proper expenses incurred pursuant to this article.

§ 165. Officers; meetings; quorum; committees. The board shall annually elect from its members a president and a vice-president for the academic year, and shall hold one or more meetings each year pursuant to call of the regents. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and approved by the regents.

§ 166. Admission to examination. The regents shall admit to examination any candidate who pays a fee of twenty-five dollars and submits evidence, verified by oath, and satisfactory to the regents, that he

1. Is more than twenty-one years of age.
2. Is of good moral character.
3. Had prior to beginning the second year of medical study the general education required preliminary to receiving the degree of bachelor or doctor of medicine in this state.
4. Has studied medicine not less than four school years, including four satisfactory courses of at least seven months each in four different calendar years in a medical school registered as maintaining at the time a standard satisfactory to the regents. New York medical schools and New York medical students shall not be discriminated against by the registration of any medical school out of the state whose minimum graduation standard is less than that fixed by statute for New York medical schools.

The regents may, in their discretion, accept as the equivalent for any part of the third and fourth requirement, evidence of five or more years' reputable practice, provided that such substitution be specified in the license, and, as the equivalent of the first year of the fourth requirement, evidence of graduation from a registered college course, provided that such college course shall have included not less than the minimum requirements prescribed by the regents for such admission to advanced standing. The regents may also in their discretion admit conditionally to the examination in anatomy, physiology, hygiene, sanitation, and chemistry, applicants nineteen years of age certified as having studied medicine not less than two years, including two satisfactory courses of at least seven months each, in two different calendar years, in a medical school registered as maintaining at the time a satisfactory standard, provided that such applicants meet the second and third requirements.

5. Has either received the degree of bachelor or doctor of medicine from some registered medical school, or a diploma or license conferring full right to practice medicine in some foreign country unless admitted conditionally to the examinations as specified above, in which case all qualifications, including the full period of study, the medical degree and the final examinations in surgery, obstetrics, gynecology, pathology, including bacteriology, and diagnosis, must be met. The degree of bachelor or doctor of medicine shall not be conferred in this state before the candidate has filed with the institution conferring it the certificate of the regents that before beginning the first annual medical course counted toward the degree, unless matriculated conditionally as hereinafter specified, he had either graduated from a registered college or satisfactorily completed a full course in a registered academy or high school; or had a preliminary education considered and accepted by the regents as fully equivalent; or held a regents' medical student certificate; or passed regents' examinations securing sixty academic counts, or their full equivalent, before beginning the first annual medical course counted toward the degree, unless admitted conditionally as hereinafter specified. A medical school may matriculate conditionally a student deficient

in not more than one year's academic work or fifteen counts of the preliminary education requirement, provided the name and deficiency of each student so matriculated be filed at the regents' office within three months after matriculation, and that the deficiency be made up before the student begins the second annual medical course counted toward the degree.

6. Where the application be for a license to practice osteopathy, the applicant shall produce evidence that he has studied osteopathy not less than three years including three satisfactory courses of not less than nine months each in three different calendar years in a college of osteopathy maintaining at the time a standard satisfactory to the regents. After nineteen hundred and ten the applicant for a license to practice under this article shall produce evidence that he has studied not less than four years including four satisfactory courses of not less than seven months each in four different calendar years in a college maintaining at the time a standard satisfactory to the regents.

§ 167. Questions. The board shall submit to the regents, as required, lists of suitable questions for thorough examination in anatomy, physiology, hygiene, sanitation, chemistry, surgery, obstetrics, gynecology, pathology, including bacteriology, and diagnosis. From these lists the regents shall prepare question papers for all these subjects, which at any examination shall be the same for all candidates, except that the examination may be divided as provided in section one hundred and sixty-six.

§ 168. Examinations and reports. Examinations for licenses shall be given in at least four convenient places in this state and at least four times annually, in accordance with the regents' rules, and shall be exclusively in writing and in English. Each examination shall be conducted by a regents' examiner who shall not be one of the medical examiners. At the close of each examination the regents' examiner in charge shall deliver the questions and answer papers to the board or its duly authorized committee, who, without unnecessary delay, shall examine and mark the answers and transmit to the regents an official report, signed by its president and secretary, stating the standing of

each candidate in each branch, his general average and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the university. If a candidate fails on first examination, he may, after not less than six months' further study, have a second examination without fee. If the failure is from illness or other cause satisfactory to the regents they may waive the required six months' study.

§ 169. Licenses. On receiving from the state board an official report that an applicant has successfully passed the examinations and is recommended for license, the regents shall issue to him a license to practice according to the qualifications of the applicant. Every license shall be issued by the university under seal and shall be signed by each acting medical examiner and by the officer of the university who approved the credential which admitted the candidate to examination, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, preliminary and medical education and all other matters required by law, and that after full examination he has been found properly qualified to practice. Applicants examined and licensed by other state examining boards registered by the regents as maintaining standards not lower than those provided by this article and applicants who matriculated in a New York state medical school before June fifth, eighteen hundred and ninety, and who received the degree of doctor of medicine from a registered medical school before August first, eighteen hundred and ninety-five, may without further examination, on payment of twenty-five dollars to the regents and on submitting such evidence as they may require, receive from them an indorsement of their licenses or diplomas conferring all rights and privileges of a regents' license issued after examination. The commissioner of education may in his discretion on the approval of the board of regents indorse a license or diploma of a physician from another state, provided the applicant has met all the preliminary and professional qualifications required for earning a license on examination in this state, has been in reputable practice for a period of ten years,

and has reached a position of conceded eminence and authority in his profession. If any person, whose registration is not legal because of some error, misunderstanding or unintentional omission, shall submit satisfactory proof that he had all requirements prescribed by law at the time of his imperfect registration and was entitled to be legally registered, he may on unanimous recommendation of the state board of medical examiners receive from the regents under seal a certificate of the facts which may be registered by any county clerk and shall make valid the previous imperfect registration. Before any license is issued it shall be numbered and recorded in a book kept in the regents' office, and its number shall be noted in the license; and a photograph of the licensee filed with the records. This record shall be open to public inspection, and in all legal proceedings shall have the same weight as evidence that is given to a record of conveyance of land.

§ 170. Registry; revocation of license; annulment of registry. Every license to practice medicine shall, before the licensee begins practice thereunder, be registered in a book kept in the clerk's office of the county where such practice is to be carried on, with name, residence, place and date of birth, and source, number and date of his license to practice. Before registering, each licensee shall file, to be kept in a bound volume in a county clerk's office, an affidavit of the above facts, and also that he is the person named in such license, and had, before receiving the same, complied with all requirements as to attendance, terms and amount of study and examinations required by law and the rules of the university as preliminary to the conferment thereof; that no money was paid for such license, except the regular fees paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one or occurred in order that such license should be conferred. Every license, or if lost a copy thereof legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment, shall, before registering, be exhibited to the county clerk, who, only in case it was issued or indorsed as a license under seal by the regents, shall indorse or stamp on it the

date and his name preceded by the words, " registered as authority to practice medicine in the clerk's office of.....county." The clerk shall thereupon give to every physician so registered a transcript of the entries in the register with a certificate, under seal that he has filed the prescribed affidavit. The licensee shall pay to the county clerk a total fee of one dollar for registration, affidavit and certificate. The regents shall have power at any and all times to inquire into the identity of any person claiming to be a licensed or registered physician and after due service of notice in writing, require him to make reasonable proof, satisfactory to them, that he is the person licensed to practice medicine under the license by virtue of which he claims the privilege of this article. When the regents find that a person claiming to be a physician, licensed under this article, is not in fact the person to whom the license was issued, they shall reduce their findings to writing and file them in the office of the clerk of the county in which said person resides or practices medicine. Said certificate shall be prima facie evidence that the person mentioned therein is falsely impersonating a practitioner or a former practitioner of a like or different name. The regents may revoke the license of a practitioner of medicine, or annul his registration, or do both, in any of the following cases:

(a) A practitioner of medicine who is guilty of any fraud or deceit in his practice, or who is guilty of a crime or misdemeanor, or who is guilty of any fraud or deceit by which he was admitted to practice; or

(b) Is an habitual drunkard or habitually addicted to the use of morphine, opium, cocaine, or other drugs having a similar effect; or

(c) Who undertakes or engages in any manner or by any ways or means whatsoever, to procure or perform any criminal abortion as the same is defined by section eighty of the penal law; or

(d) Who offers or undertakes by any manner or means to violate any of the provisions of section eleven hundred and forty-two of the penal law.

Proceedings for revocation of a license or the annulment of

registration shall be begun by filing a written charge or charges against the accused. These charges may be preferred by any person or corporation, or the regents may on their own motion direct the executive officer of the board of regents to prefer said charges. Said charges shall be filed with the executive officer of the board of regents, and a copy thereof filed with the secretary of the board of medical examiners. The board of medical examiners, when charges are preferred, shall designate three of their number as a committee to hear and determine said charges. A time and place for the hearing of said charges shall be fixed by said committee as soon as convenient, and a copy of the charges, together with a notice of the time and place when they will be heard and determined, shall be served upon the accused or his counsel, at least ten days before the date actually fixed for said hearing. Where personal service or service upon counsel can not be effected, and such fact is certified on oath by any person duly authorized to make legal service, the regents shall cause to be published for at least seven times, for at least twenty days prior to the hearing, in two daily papers in the county in which the physician was last known to practice, a notice to the effect that at a definite time and place a hearing will be had for the purpose of hearing charges against the physician upon an application to revoke his license. At said hearing the accused shall have the right to cross-examine the witnesses against him and to produce witnesses in his defense, and to appear personally or by counsel. The said committee shall make a written report of its findings and recommendations, to be signed by all its members, and the same shall be forthwith transmitted to the executive officer of the board of regents. If the said committee shall unanimously find that said charges, or any of them, are sustained, and shall unanimously recommend that the license of the accused be revoked or his registration be annulled, the regents may thereupon in their discretion, revoke said license or annul said registration, or do both. If the regents shall annul such registration, they shall forthwith transmit to the clerk of the county or counties in which said accused is registered as a physician, a certificate under their seal

certifying that such registration has been annulled, and said clerk shall, upon receipt of said certificate, file the same and forthwith mark said registration "annulled." Any person who shall practice medicine after his registration has been marked "annulled" shall be deemed to have practiced medicine without registration. Where the license of any person has been revoked, or his registration has been annulled as herein provided, the regents may, after the expiration of one year, entertain an application for a new license, in like manner as original applications for licenses are entertained; and upon such new application they may in their discretion, exempt the applicant from the necessity of undergoing any examination.

§ 171. Registry in another county. A practicing physician having registered a lawful authority to practice medicine in one county, and removing such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county shall show or send by registered mail to the clerk of such other county, his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the regents, or if the certificate itself is indorsed by the regents as entitled to registration, the clerk shall thereupon register the applicant in the latter county, on receipt of a fee of twenty-five cents, and shall stamp or indorse on such certificate the date and his name preceded by the words, "registered also in.....county," and return the certificate to the applicant.

§ 172. Certificate presumptive evidence; unauthorized registration and license prohibited. Every unrevoked certificate and indorsement of registry, made as provided in this article, shall be presumptive evidence in all courts and places, that the person named therein is legally registered. Hereafter no person shall register any authority to practice medicine unless it has been issued or indorsed as a license by the regents. No such registration shall be valid unless the authority registered constituted, at the time of registration, a license under the laws of the state then in force. No diploma or license con-

ferred on a person not actually in attendance at the lectures, instruction and examinations of the school conferring the same, or not possessed at the time of its conferment of the requirements then demanded of medical students in this state as a condition of their being licensed so to practice, and no registration not in accordance with this article shall be lawful authority to practice medicine, nor shall the degree of doctor of medicine be conferred causa honoris or ad eundem nor if previously conferred shall it be a qualification for such practice.

§ 173. Construction of this article. This article shall not be construed to affect commissioned medical officers serving in the United States army, navy or marine hospital service, while so commissioned; or any one while actually serving without salary or professional fees on the resident medical staff of any legally incorporated hospital; or any legally registered dentist exclusively engaged in practicing dentistry; or any person or manufacturer who mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances, or is engaged in the mechanical examination of eyes, for the purpose of constructing or adjusting spectacles, eye glasses and lenses; or any lawfully qualified physician in other states or countries meeting legally registered physicians in this state in consultation; or any physician residing on a border of a neighboring state and duly licensed under the laws thereof to practice medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet patients or receive calls within this state; or any physician duly registered in one county called to attend isolated cases in another county, but not residing or habitually practicing therein; or the furnishing of medical assistance in case of emergency; or the domestic administration of family remedies; or the practice of chiropody; or the practice of the religious tenets of any church. This article shall be construed to repeal all acts or parts of acts authorizing conferment of any degree in medicine causa honoris or ad eundem or otherwise than on students duly graduated after satisfactory completion of a preliminary medical course not less than that required by this article as a condition of license. It is further

provided that any person who shall be actively engaged in the practice of osteopathy in the state of New York on the thirteenth day of May, nineteen hundred and seven, and who shall present to the board of regents satisfactory evidence that he is a graduate in good standing of a regularly conducted school or college of osteopathy within the United States which at the time of his or her graduation required a course of study of two years or longer, including the subjects of anatomy, physiology, pathology, hygiene, chemistry, obstetrics, diagnosis and the theory and practice of osteopathy, with actual attendance of not less than twenty months, which facts shall be shown by his or her diploma and affidavit, shall upon application and payment of ten dollars be granted, without examination, a license to practice osteopathy, provided application for such license be made within six months after the thirteenth day of May, nineteen hundred and seven. A license to practice osteopathy shall not permit the holder thereof to administer drugs or perform surgery with the use of instruments. Licenses to practice osteopathy shall be registered in accordance with the provisions of this article, and the word osteopath be included in such registration; and such license shall entitle the holder thereof to the use of the degree D. O., or doctor of osteopathy.

§ 174. Penalties and their collection. Any person who, not being then lawfully authorized to practice medicine within this state and so registered according to law, shall practice medicine within this state without lawful registration or in violation of any provision of this article; and any person who shall buy, sell or fraudulently obtain any medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice medicine under cover of any medical diploma, license, record or registration illegally obtained, or signed, or issued unlawfully or under fraudulent representations or mistake of fact in a material regard, or who, after conviction of a felony, shall attempt to practice medicine, or shall so practice, and any person who shall in connection with his name use any designation tending to imply or designate him as a practitioner of medicine within the meaning of this

article without having registered in accordance therewith, or any person who shall practice medicine or advertise to practice medicine under a name other than his own, or any person not a registered physician who shall advertise to practice medicine, shall be guilty of a misdemeanor. Any person who shall practice medicine under a false or assumed name, or who shall falsely personate another practitioner or former practitioner of a like or different name, shall be guilty of a felony. When any prosecution under this article, or under sections eleven hundred and forty-two, eighty, eighty-one, eighty-two, seventeen hundred and forty-seven of the penal law, and any amendments thereto, is made on the complaint of any incorporated medical society of the state, or any county medical society entitled to representation in a state society, any fines collected shall be paid to the society making the complaint, and any excess of the amount of fines so paid over the expense incurred by the said society in enforcing the medical laws of this state, shall be paid at the end of the year to the county treasurer.

III. DENTAL SOCIETIES AND THE PRACTICE OF DENTISTRY

Public Health Law (*L.* 1909, *ch.* 49) *art.* 9

Section 190. Definitions.
191. State dental society.
192. District dental societies.
193. Powers of district dental societies.
194. Licentiates.
195. State board of dental examiners.
196. Examinations.
197. Degrees.
198. Licenses.
199. Registration.
200. Examination fees.
201. Revocation of licenses.
202. Construction of this article.
203. Penalties.

§ 190. Definitions. As used in this article, the terms "university," "regents" and "physicians" have respectively the meanings defined in article eight of this chapter. "Board," where not otherwise limited, means the board of dental examiners of the state of New York. "Registered medical or dental school" means a medical or dental school, college or department of a university, registered by the regents as maintaining a proper educational standard and legally incorporated. "Examiner," where not otherwise qualified, means a member of the board. "State dental society," means the dental society of the state of New York.

§ 191. State dental society. The dental society of the state of New York is continued, and shall be composed of eight delegates from each district society divided into four classes of two delegates, each to be elected annually, and of two delegates from each incorporated dental school of the state to be elected annually. The state dental society shall annually meet on the second Wednesday of May, or at such other time and at such place as may be determined on in the by-laws of the society or by resolution, at the preceding annual meeting. Twenty members shall be a quorum. The society shall elect annually a president, vice-president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places, and may elect not more than sixteen permanent members at any annual meeting from among eminent dentists of the state, who shall have all the privileges of delegate members. The society may elect honorary members from any state or country not eligible to regular membership, who shall not be entitled to vote or hold any office in the society.

§ 192. District dental societies. The existing district dental societies are continued. In any judicial district in which a district dental society is not now incorporated, fifteen or more dentists of such district authorized to practice dentistry in this state may become a district dental society of such district, by publishing a call for a meeting of the dentists of the district to be held at a time and place mentioned therein within the district,

in at least one newspaper in each county of the district, at least once a week for at least four weeks immediately preceding the time when such meeting is to be held, and by meeting at the time and place specified in such notice with such dentists authorized to practice dentistry in the district as may respond to such call, and by making and filing with the secretary of the state dental society a certificate, to be executed and acknowledged by the dentists so meeting, or by at least fifteen of them, which shall set forth that such meeting has been held pursuant to such notice, the corporate name of the society, which shall be the district dental society of the judicial district where located, the names and places of residence of the officers of the society for the first year, or until the first annual meeting, which officers shall be a president, vice-president, secretary and treasurer, the time and place of the annual meeting of the society, the general objects and purposes of the association and the names of eight delegates to the state society divided into four classes of two delegates each, to hold office until the first, second, third and fourth annual meeting thereafter, respectively. And thereon the persons executing such certificate and all other dentists in good standing and authorized to practice dentistry in such district, who shall subscribe to its by-laws, shall be a corporation by the name expressed in such certificate.

§ 193. Powers of district dental societies. Every licensed and registered dentist in the judicial district in which such society is formed, shall be eligible to membership in the district society of the district where he resides or practices dentistry. Every district society shall at every annual meeting choose two delegates to the state dental society, each to serve four years, and may fill all vacancies occurring in their respective delegations in the state society. Every district dental society shall at its annual meeting appoint not less than three nor more than five censors to continue in office for one year and until others are chosen, who shall constitute a district board of censors. The dental societies of the respective districts of the state shall have power to make all needful by-laws not inconsistent with the laws of this state for the management of their affairs and property and

the admission and expulsion of members; providing, that no by-law of any district society shall be repugnant to or inconsistent with the by-laws of the state society. Said societies may purchase and hold real and personal estate for the purposes of their incorporation; provided that the property of a district society shall not exceed in value five thousand dollars, and the property of the state society shall not exceed in value twenty-five thousand dollars.

§ 194. Licentiates. Only the following persons shall be deemed licensed to practice dentistry:

1. Those duly licensed and registered as dentists in this state prior to the first day of August, eighteen hundred and ninety-five, pursuant to the laws in force at the time of their license and registration.

2. Those duly licensed and registered after the first day of August, eighteen hundred and ninety-five, pursuant to the provisions of this chapter.

§ 195. State board of dental examiners. The existing state board of dental examiners shall be divided into four classes and their terms of office shall continue except that said terms shall expire on the thirty-first day of July in each year. After July thirty-first, nineteen hundred and ten, the state board of dental examiners shall be increased by the addition of a member residing in the ninth judicial district, who shall be appointed in the manner provided by this section, for a term of four years, commencing on the first day of August, nineteen hundred and ten, and who shall be a member of the class whose terms commence on such date. Before the day when the official terms of the members of any of said classes shall expire, the regents shall appoint their successors, to serve for the term of four years from said day. Such appointment shall be made from nominations in number twice the number of the outgoing class made by such society to the regents prior to the second Tuesday in June of each year. In default of such nominations, the regents shall appoint such examiners from the legally qualified dentists in the state belonging to the state dental society. The regents, in the same manner, shall also fill vacancies in the board that may occur.

All nominations and appointments shall be so made that every vacancy in the board shall be filled by a resident of the same judicial district in which the last incumbent of the office resided. The board shall elect at its annual meeting from its members a president and a secretary and shall hold one or more meetings each year pursuant to call of the regents. No person shall be appointed an examiner unless he shall have received a dental degree from a body lawfully entitled to confer the same, and in good standing at the time of its conferment, and shall have been engaged within the state during not less than five years prior to his appointment in the actual and lawful practice of dentistry. Nor shall any person connected with a dental school as professor, trustee or instructor be eligible to such appointment. Cause being shown before them the regents may remove an examiner from office on proven charges of inefficiency, incompetency, immorality or unprofessional conduct. [Amended by L. 1910, ch. 137.]

§ 196. Examinations. The regents shall admit to examination any candidate who shall pay the fee herein prescribed and submit satisfactory evidence, verified by oath if required, that he:

1. Is more than twenty-one years of age;

2. Is of good moral character;

3. Has a preliminary education equivalent to graduation from a four-year high school course registered by the regents, or an education accepted by the regents as fully equivalent.

4. Subsequently to receiving such preliminary education either has been graduated in course with a dental degree from a registered dental school, or else, having been graduated in course from a registered medical school with a degree of doctor of medicine, has pursued thereafter a course of special study of dentistry for at least two years in a registered dental school and received therefrom its degree of doctor of dental surgery, or else holds a diploma or license conferring full right to practice dentistry in some foreign country and granted by some registered authority. Provided that any person who then being a bona fide student of dentistry in this state under private preceptorship was entitled to file on or before the thirty-first day of July, eighteen hundred and

ninety-five, with the secretary of the state dental society a certificate of study under private preceptorship and who did at any time prior to the first day of January, nineteen hundred and four, upon sworn proof of such fact file such a certificate with the regents, may be admitted to examination before the board. Any member of the board may inquire of any applicant for examination concerning his qualifications and may take testimony of any one in regard thereto, under oath, which he is hereby empowered to administer.

§ 197. Degrees. No degree in dentistry shall be conferred in this state except the degree of doctor of dental surgery. Said degree shall not be conferred upon any one unless he shall have satisfactorily completed a course of at least three years in a registered dental school, or having been graduated in course from a registered medical school with the degree of doctor of medicine shall have pursued satisfactorily thereafter a course of special study of dentistry for at least two years in a registered dental school; nor shall said degree be conferred upon any one, unless prior to matriculation in the institution conferring his professional degree, or before beginning the second course of lectures counted toward such degree he shall have filed with said institution a regents' certificate that he has received the required preliminary education evidenced as aforesaid; provided further, however, that the regents may confer upon all persons who shall have received the degree of master of dental surgery under the laws of this state, prior to March twenty-eighth, nineteen hundred and one, the degree of doctor of dental surgery in lieu of said master's degree.

§ 198. Licenses. On certification by the board of dental examiners that a candidate has successfully passed its examinations and is competent to practice dentistry, the regents shall issue to him their license so to practice pursuant to the rules established by them. On the recommendation of the board, the regents may also, without the examination hereinbefore provided for, issue their license to any applicant therefor who shall furnish proof satisfactory to them that he has been duly graduated from a registered dental school and has been thereafter lawfully and

reputably engaged in such practice for six years next preceding his application; or who holds a license to practice dentistry in any other state of the United States granted by a state board of dental examiners, indorsed by the dental society of the state of New York, provided, that in either case his preliminary and professional education shall have been not less than that required in this state. Every license so issued shall state on its face the grounds on which it is granted and the applicant may be required to furnish his proofs on affidavit.

§ 199. Registration. Every person practicing dentistry in this state and not lawfully registered before April seventeenth, eighteen hundred and ninety-six, shall register in the office of the clerk of the county where his place of business is located, in a book kept by the clerk for such purpose, his name, age, office and post-office address, date and number of his license to practice dentistry and the date of such registration, which registration he shall be entitled to make only upon showing to the county clerk his license or a duly authenticated copy thereof, and making an affidavit stating name, age, birthplace, the number of his license and the date of its issue; that he is the identical person named in the license; that before receiving the same he complied with all the preliminary requirements of this article and the rules of the regents and board as to the terms and the amount of study and examination; that no money, other than the fees prescribed by this article and said rules, was paid directly or indirectly for such license, and that no fraud, misrepresentation or mistake in a material regard was employed or occurred in order that such license should be conferred. The county clerk shall preserve such affidavit in a bound volume and shall issue to every licentiate duly registering and making such affidavit, a certificate of registration in his county, which shall include a transcript of the registration. Such transcript and the license may be offered as presumptive evidence in all courts of the facts stated therein. The county clerk's fee for taking such registration and affidavit and issuing such certificate, shall be one dollar. A practicing dentist having registered a lawful authority to practice dentistry in one county of the state and removing such practice or part

thereof to another county, or regularly engaging in practice or opening an office in another county, shall show or send by registered mail to the clerk of such other county his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the regents, or if the certificate itself is indorsed by the regents as entitled to registration, the clerk shall thereupon register the applicant in the latter county, on receipt of a fee of twenty-five cents, and shall stamp or indorse on such certificate, the date and his name, preceded by the words, "registered also in ..... county," and return the certificate to the applicant. Any person who having lawfully registered as aforesaid shall thereafter change his name in any lawful manner shall register the new name with marginal note of the former name; and shall note upon the margin of the former registration the fact of such change and a cross reference to the new registration. A county clerk who knowingly shall make or suffer to be made upon the book of registry of dentists kept in his office any other entry than is provided for in this section shall be liable to a penalty of fifty dollars to be recovered by the state dental society in a suit in any court having jurisdiction.

§ 200. Examination fees. Every applicant for license to practice dentistry shall pay a fee of not more than twenty-five dollars. From the fees provided by this article the regents may pay all proper expenses incurred by them under its provisions, and any surplus at the end of any academic year shall be paid to the society nominating the examiners to defray its expenses incurred under the law.

§ 201. Revocation of licenses. If any practitioner of dentistry be charged under oath before the board, with unprofessional or immoral conduct, or with gross ignorance, or inefficiency in his profession, the board shall notify him to appear before it at an appointed time and place, with counsel, if he so desires, to answer said charges, furnishing to him a copy thereof. Upon the report of the board that the accused has been guilty of unprofessional or immoral conduct, or that he is grossly ignorant or inefficient in his profession, the regents may suspend the person

so charged from the practice of dentistry for a limited season, or may revoke his license. Upon the revocation of any license, the fact shall be noted upon the records of the regents and the license shall be marked as canceled, of the date of its revocation. Upon presentation of a certificate of such cancellation to the clerk of any county wherein the licentiate may be registered, said clerk shall note the date of the cancellation on the register of dentists and cancel the registration. A conviction of felony shall forfeit a license to practice dentistry, and upon presentation to the regents or a county clerk by any public officer or officer of a dental society of a certified copy of a court record showing that a practitioner of dentistry has been convicted of felony, that fact shall be noted on the record of license and clerk's register, and the license and registration shall be marked "canceled." Any person who, after conviction of a felony shall practice dentistry in this state, shall be subject to all the penalties prescribed for the unlicensed practice of dentistry, providing that if such conviction be subsequently reversed upon appeal and the accused acquitted or discharged, his license shall become again operative from the date of such acquittal or discharge.

§ 202. Construction of this article. This article shall not be construed to prohibit an unlicensed person from performing merely mechanical work upon inert matter in a dental office or laboratory, or the student of a licentiate from assisting the latter in his performance of dental operations while in the presence and under the personal supervision of his instructor; or a student in an incorporated dental school or college from performing operations for purposes of clinical study under the supervision and instruction of preceptors; or a duly licensed physician from treating diseases of the mouth or performing operations in oral surgery. But nothing in this article shall be construed to permit the performance of independent dental operations by an unlicensed person under cover of the name of a registered practitioner or in his office. Nor shall anything in this article be construed to require of students matriculated in registered dental or medical schools before the first day of January, nineteen hundred and five, any other or higher qualification for the dental license or

degree than was demanded by existing laws as interpreted by the regulations of the regents at the date of their matriculation.

§ 203. Penalties. A. A person who, in any county of this state, practices or holds himself out to the public as practicing dentistry, not being at the times of said practice or holding out, a dentist licensed to practice as such in this state and registered in the office of the clerk of such county, pursuant to the general laws regulating the practice of dentistry, is guilty of a misdemeanor and punishable upon conviction of a first offense by a fine of not less than fifty dollars, and upon conviction of a subsequent offense by a fine of not less than one hundred dollars, or by imprisonment for not less than two months or by both such fine and imprisonment. Any violation of this section by a person theretofore convicted under the then existing laws of this state of practicing dentistry without license or registration, shall be included in the term "a subsequent offense." Every conviction of unlawful practice or holding out subsequent to a first conviction thereof shall be a conviction of a second offense. Every practitioner of dentistry must display in a conspicuous place upon the house or in the office wherein he practices his full name. If there are more dental chairs than one in any office or dental parlor the name of the practitioner must be displayed on or by said chair in plain sight of the patient. Any person who shall practice dentistry without displaying his name as herein prescribed; and any proprietor, owner or manager of a dental office, establishment or parlor who shall fail so to display or cause to be displayed the name of each person employed as a practicing dentist or practicing as a dentist in said office, establishment or parlor, shall be guilty of a misdemeanor and punishable upon a first conviction by a fine of fifty dollars, and upon every subsequent conviction by a fine of not less than one hundred dollars, or by imprisonment for not less than sixty days, or by both fine and imprisonment.

B. A person shall be deemed guilty of a misdemeanor, and upon every conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars, or by imprisonment for not less than six months, or by both fine and imprisonment, who

1. Shall sell or barter or offer to sell or barter any diploma or document conferring or purporting to confer any dental degree or

any certificate or transcript made or purporting to be made pursuant to the laws regulating the license and registration of dentists; or

2. Shall purchase or procure by barter any such diploma, certificate or transcript with intent that the same shall be used as evidence of the qualifications to practice dentistry of any person other than the one upon whom it was lawfully conferred or in fraud of the laws regulating such practice; or,

3. Shall, with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or,

4. Shall use or attempt to use any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered either as a license or color of license to practice dentistry or in order to procure registration as a dentist; or,

5. Shall practice dentistry under a false or assumed name; or,

6. Shall assume the degree of bachelor of dental surgery, doctor of dental surgery, or master of dental surgery, or shall append the letters B. D. S., D. D. S., M. D. S., to his name, not having had duly conferred upon him by diploma from some college, school or board of examiners legally empowered to confer the same, the right to assume said titles; or shall assume any title or append or prefix any letters to his name with the intent to represent falsely that he has received a medical or dental degree or license; or,

7. Shall falsely personate another at any examination, held by the regents or by the board, of the preliminary or professional education of candidates for dental students' certificates, dental degrees or licenses, or who shall induce another to make or aid and abet in the making of such false personation or who shall knowingly avail himself of the benefit of such false personation, or who shall knowingly or negligently make falsely any certificate required by the regents or board in connection with their examinations.

C. Any person who in any affidavit or examination required of an applicant for examination, license or registration under the

laws regulating the practice of dentistry, or under the laws, ordinances or regulations governing the regents' examination of the preliminary education required for a dental student's certificate shall make wilfully a false statement in a material regard shall be guilty of perjury, and punishable upon conviction thereof by imprisonment not exceeding ten years.

D. All courts of special sessions and police justices sitting as courts of special sessions shall have jurisdiction in the first instance to hear and determine all charges of misdemeanors mentioned in this article committed within their local jurisdiction, and to impose all the penalties provided for misdemeanors in this article; provided, however, that the power of said courts and justices to hear and determine such charges shall be divested, if before the commencement of a trial before such court or justice, a grand jury shall present an indictment against the accused person for the same offense, or if a justice of the supreme court or a county judge of the county shall grant a certificate in the manner provided by law in cases of misdemeanor, that it is reasonable that such charge be prosecuted by indictment.

E. All fines, penalties and forfeitures of bail imposed or collected on account of violations of the laws regulating the practice of dentistry must be paid to the state dental society. Said society may prefer complaints for violations of the law regulating the practice of dentistry before any court, tribunal or magistrate having jurisdiction thereof and may by its officers, counsel and agents aid in presenting the law and the facts before such court, tribunal or magistrate in any proceeding instituted by it.

IV. VETERINARY MEDICINE AND SURGERY

Public Health Law (*L.* 1909, *ch.* 49), *art.* 10

Section 210. Definitions.
211. Qualifications for practice.
212. State board of veterinary medical examiners.
213. Certificate of appointment; oath; powers.

Section 214. Expenses.
215. Officers; meetings; quorum; committees.
216. Admission to examination.
217. Questions.
218. Examinations and reports.
219. Licenses.
220. Registry.
221. Registration in another county.
222. Certificate presumptive evidence; unauthorized registration and license prohibited.
223. Construction of this article.
224. Penalties and their collection.

§ 210. Definitions. As used in this article:

1. "University" means university of the state of New York.

2. "Regents" means board of regents of the university of the state of New York.

3. "Board" means a board of veterinary medical examiners of the state of New York.

4. "Veterinary medical examiner" means a member of a board of veterinary medical examiners of the state of New York.

5. "Veterinary school" means any veterinary school, college or department of a university, registered by the regents as maintaining a proper veterinary medical standard and as legally incorporated.

6. "Veterinary medicine" means veterinary medicine and surgery, or any branch thereof.

7. "Veterinarian" means veterinary physician and surgeon.

§ 211. Qualifications for practice. No person shall practice veterinary medicine after July first, eighteen hundred and ninety-five, unless previously registered and legally authorized, unless licensed by the regents and registered as required by this article; nor shall any person practice veterinary medicine who has ever been convicted of a felony by any court, or whose authority to practice is suspended or revoked by the regents on recommendation of the state board. Any person, a citizen of the United States and of the state of New York, who matriculated in

a reputable veterinary medical school prior to January first, eighteen hundred and ninety-five, and who received his degree therefrom prior to January first, eighteen hundred and ninety-seven, or any person who was engaged in the practice of veterinary medicine prior to the year eighteen hundred and eighty-six, shall be admitted to the veterinary examination for license to practice, as conducted by the regents of the university of the state of New York.

§ 212. State board of veterinary medical examiners. There shall be a board of veterinary medical examiners of five members, each of whom shall hold office for five years from August first of the year in which appointed. The New York state veterinary medical society shall at each annual meeting nominate twice the number of examiners to be appointed that year on the board. The names of such nominees shall be annually transmitted under seal by the president and secretary prior to May first, to the regents who shall, prior to August first, appoint from such lists the examiners required to fill any vacancies that will occur from expiration of term on July thirty-first. Any other vacancy, however occurring, shall likewise be filled by the regents for the unexpired term. Each nominee before appointment, shall furnish to the regents proof that he has received a degree in veterinary medicine from a registered veterinary medical school and that he has legally practiced veterinary medicine in this state for at least five years. If no nominees are legally before them from the society, the regents may appoint from members in good standing in the veterinary profession without restriction. The regents may remove any examiner for misconduct, incapacity or neglect of duty.

§ 213. Certificate of appointment; oath; powers. Every veterinary medical examiner shall receive a certificate of appointment from the regents, and before beginning his term of office shall file with the secretary of state the constitutional oath of office. The board, or any committee thereof, may take testimony and proofs concerning all matters within its jurisdiction. The board may, subject to the regents' approval, make all by-laws

and rules not inconsistent with law needed in performing its duties, but no by-laws or rules by which more than a majority vote is required for any specified action by the board shall be amended, suspended or repealed by a smaller vote than that required for the action thereunder.

§ 214. Expenses. From the fees provided by this article the regents may pay all proper expenses incurred by its provisions, except compensation to veterinary medical examiners, and any surplus at the end of the academic year shall be apportioned among the members of the board pro rata according to the number of candidates whose answer papers have been marked by each.

§ 215. Officers; meetings; quorum; committees. The board shall annually elect from its members a president and secretary for the academic year, and shall hold one or more meetings each year pursuant to the call of the regents. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and by the regents.

§ 216. Admission to examination. The regents shall admit to examination any candidate who pays a fee of ten dollars and submits satisfactory evidence, verified by oath if required, that he (first) is more than twenty-one years of age; (second) is of good, moral character; (third) has the general education required in all cases after July first, eighteen hundred and ninety-seven, preliminary to receiving a degree in veterinary medicine; (fourth) has studied veterinary medicine not less than three full years, including three satisfactory courses, in three different academic years, in the veterinary medical school registered as maintaining at the time a satisfactory standard; (fifth) has received a degree as veterinarian from some registered veterinary medical school. The degree in veterinary medicine shall not be conferred in this state before the candidate has filed with the institution conferring it, the certificate of the regents that three years before the date of the degree, or before or during his first year of veterinary medical study in this state, he has either

graduated from a registered college or satisfactorily completed an academic course in a registered academy or high school; or has a preliminary education considered and accepted by the regents as fully equivalent; or has passed regents' examinations equivalent to the minimum requirement in such preliminary education for candidates for medical or dental degrees in this state. The regents may, in their discretion, accept as the equivalent for any part of the third and fourth requirement, evidence of five or more years' reputable practice in veterinary medicine, provided that such substitution be specified in the license.

§ 217. Questions. Each member of the board shall submit to the regents, as required, lists of suitable questions for thorough examination in comparative anatomy, physiology and hygiene, in chemistry, and in veterinary surgery, obstetrics, pathology and diagnosis and therapeutics, including practice and materia medica. From these lists the regents shall prepare question papers for all these subjects, which at any examination shall be the same for all candidates.

§ 218. Examinations and reports. Examination for license shall be given in at least four convenient places in this state and at least four times annually, in accordance with the regents' rules, and shall be exclusively in writing and in English. Each examination shall be conducted by a regents' examiner, who shall not be one of the veterinary medical examiners. At the close of each examination, the regents' examiner in charge shall deliver the questions and answer papers to the board, or to its duly authorized committee, and such board, without unnecessary delay, shall examine and mark the answers and transmit to the regents an official report, signed by its president and secretary, stating the standing of each candidate in each branch, his general average and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the university. If a candidate fails on his first examination, he may, after not less than six months' further study, have a second examination with-

out fee. If the failure is from illness or other cause satisfactory to the regents, they may waive the required six months' study.

§ 219. Licenses. On receiving from the state board an official report that an applicant has successfully passed the examination and is recommended for license, the regents shall issue to him, if in their judgment he is duly qualified therefor, a license to practice veterinary medicine. Every license shall be issued by the university under seal and shall be signed by each acting veterinary medical examiner of the board and by the officer of the university who approved the credential which admitted the candidate to examination, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, preliminary and veterinary medical education and all other matters required by law, and that after full examination he has been found duly qualified to practice. Applicants examined and licensed before July first, eighteen hundred and ninety-seven, by other state examining boards registered by the regents as maintaining standards not lower than those provided by this article, and applicants who matriculated in a New York state veterinary medical school before July first, eighteen hundred and ninety-six, and who received the veterinary degree from a registered veterinary medical school before July first, eighteen hundred and ninety-seven, may without further examination, on payment of ten dollars to the regents, and on submitting such evidence as they may require, receive from them an indorsement of their license or diplomas conferring all rights and privileges of a regents' license issued after examination. If any person, whose registration is not legal or who is not registered because of some error, misunderstanding or unintentional omission, shall submit satisfactory proof that he had all requirements prescribed by law at the time required for registration and was entitled to be legally registered, he may, on unanimous recommendation of the state board of veterinary medical examiners, receive from the regents under seal a certificate of the facts which may be registered by any county clerk and shall make valid the previous imperfect registration. Before any license is issued it shall be num-

bered and recorded in a book kept in the regents' office and its number shall be noted in the license. This record shall be open to public inspection, and in all legal proceedings shall have the same weight as evidence that is given to a record of conveyance of land.

§ 220. Registry. Every license to practice veterinary medicine shall, before the licensee begins practice thereunder, be registered in a book to be known as the "veterinary medical register," which shall be provided by and kept in the clerk's office of the county where such practice is to be carried on, with name, residence, place and date of birth, and source, number and date of its license to practice. Before registering, each licensee shall file, to be kept in a bound volume in the county clerk's office, an affidavit of the above facts, and also that he is the person named in such license, and had, before receiving the same, complied with all requisites as to attendance, terms and amount of study and examination required by law and the rules of the university as preliminary to the conferment thereof, and no money was paid for such license, except the regular fees, paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by anyone or incurred in order that such license should be conferred. Every license, or if lost, a copy thereof, legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment, shall, before registering, be exhibited to the county clerk, who, only in case it was issued or indorsed as a license under seal by the regents, shall indorse or stamp on it the date and his name preceded by the words, "registered as authority to practice veterinary medicine, in the clerk's office of ..... county." The clerk shall thereupon give to every veterinarian so registered a transcript of the entries in the register, with a certificate under seal that he has filed the prescribed affidavit. The licensee shall pay to the county clerk a total fee of one dollar for registration, affidavit and certificate.

§ 221. Registration in another county. A practicing veterinarian having registered a lawful authority to practice

veterinary medicine in one county, and removing such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county, shall show or send by registered mail to the clerk of such other county, his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the regents, or if the certificate itself is indorsed by the regents as entitled to registration, the clerk shall thereupon register the applicant in the latter county, on receipt of a fee of twenty-five cents, and shall stamp or indorse on such certificate the date and his name, preceded by the words, "registered also in ..... county" and return the certificate to the applicant.

§ 222. Certificate presumptive evidence; unauthorized registration and license prohibited. Every unrevoked certificate and indorsement of registry, made as provided in this article, shall be presumptive evidence in all courts and places that the person named therein is legally registered. Hereafter no person shall register any authority to practice veterinary medicine unless it has been issued or indorsed as a license by the regents. No diploma or license conferred on a person not actually in attendance at the lectures, instructions and examinations of the school conferring the same, or not possessed at the time of its conferment of the requirements then demanded of veterinary medical students in this state as a condition of their being licensed so to practice, and no registration not in accordance with this article shall be lawful authority to practice veterinary medicine, nor shall the degree of doctor of veterinary medicine be conferred causa honoris or ad eundem, nor if previously conferred shall it be a qualification for such practice.

§ 223. Construction of this article. This article shall not be construed to affect commissioned veterinary medical officers serving in the United States army, or in the United States bureau of animal industry while so commissioned; or any person for giving gratuitous services in case of emergency; or any lawfully qualified veterinarian in other states or countries meeting legally registered veterinarians in this state in consultation; or

any veterinarian residing on a border of a neighboring state and duly authorized under the laws thereof to practice veterinary medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet patients or receive calls within this state; or any veterinarian duly registered in one county called to attend isolated cases in another county, but not residing or habitually practicing therein. This article shall be construed to repeal all acts or parts of acts authorizing conferment of any degree in veterinary medicine, causa honoris or ad eundem, or otherwise, than on students duly graduated after satisfactory completion of a preliminary and veterinary medical course, not less than that required by this article, as a condition of license.

§ 224. Penalties and their collection. Every person who shall practice veterinary medicine within this state without lawful registration or in violation of any provision of this article shall forfeit to the county wherein such person shall so practice, or in which any violation shall be committed, fifty dollars for every such violation, and for every day of such unlawful practice, and any incorporated veterinary medical society of the state or any county veterinary medical society of such county entitled to representation in a state society, may bring an action in the name of such county for the collection of such penalties, and the expense incurred by such society in such prosecution, including necessary counsel fees, may be retained by such society out of the penalties so collected, and the residue, if any, shall be paid into the county treasury. Any person who shall practice veterinary medicine under a false or assumed name or who shall falsely personate another practitioner of a like or different name, shall be guilty of a felony; and any person guilty of violating any of the other provisions of this article, not otherwise specifically punished herein, or who shall buy, sell or fraudulently obtain any veterinary medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice veterinary medicine under the cover of a diploma, or license illegally obtained, or signed or issued un-

lawfully or under fraudulent representation, or mistake of fact in material regard, or who, after conviction of a felony, shall attempt to practice veterinary medicine, and any person who shall, without having been authorized so to do legally, append any veterinary title to his or her name, or shall assume or advertise any veterinary title in such a manner as to convey the impression that he is a lawful practitioner of veterinary medicine or any of its branches, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars or imprisonment for six months for the first offense, and on conviction of a subsequent offense by a fine of not less than five hundred dollars or imprisonment for not less than one year, or by both fine and imprisonment.

V. PHARMACY

Public Health Law (*L.* 1909, *ch.* 49) *art.* 11, *as amended by L.* 1910, *ch.* 422.

Section 230. Definitions.
231. State board of pharmacy; appointments; nominations; examiners; secretary; expenses.
232. Powers and duties of the board; records; employees.
233. Licenses; certificates; examinations; rules.
234. Pharmacies; drug stores; stores.
235. Apprentices and employees.
236. Working hours and sleeping apartments.
237. Adulterating; misbranding and substituting.
238. Poison schedules; register; opium and other prescriptions.
239. Construction of article; temporary permits.
240. Revocation of license; misdemeanors; violations and penalties.
241. Schedules A, B and C.

§ 230. Definitions. As used in this article: 1. "Association" means the New York state pharmaceutical association.

2. "Board" when not otherwise limited, means the New York state board of pharmacy.

3. "Chemicals" when not otherwise limited, means the chemical materials of medicine.

4. "Council" means the New York state pharmaceutical council with a secretary and at least one representative from each school of the state appointed by the regents for a period of five years.

5. "Commissioner" means the commissioner of education of the state of New York; "Department," the education department of the state of New York; "University," the university of the state of New York; "Regents," the board of regents of the university of the state of New York as provided by the education law.

6. "Drugs," where not otherwise limited, means all substances used as medicines or in the preparation of medicines. "Crude Drugs" means drugs that have not been changed by manufacture except by desiccation or comminution.

7. "Examiner" means a member of the state board of pharmacy.

8. "Formulary" means the latest edition of the national formulary.

9. "Medicines," where not otherwise limited, means a drug or preparation of drugs in suitable form for use as a curative or remedial substance.

10. "Pharmacy," where not otherwise limited, means the place registered by the board in which drugs, chemicals, medicines, prescriptions or poisons are compounded, dispensed or retailed.

11. "Pharmacology" is the science that treats of drugs and medicines; their nature, preparation, administration and effect.

12. "Pharmacopœia," when not otherwise limited, means the latest edition of the pharmacopœia of the United States of America.

13. "Physician" means a practitioner of medicine as defined by article eight of this chapter; "Dentist" means a practitioner of dentistry as defined by article nine, and "Veterinarian," means a practitioner of veterinary medicine as defined by article ten.

14. "Poisons," where not otherwise limited, means any drug, chemical, medicine or preparation liable to be destructive to adult human life in quantities of sixty grains or less.

15. "Rules," where not otherwise limited, means the rules of the board approved by the regents.

16. "School" means any college or school of pharmacy, or the department of pharmacy of a university, whatever the corporate title, registered by the regents as maintaining a proper educational standard and legally incorporated.

17. "Secretary" means the secretary of the state board of pharmacy.

18. "Syllabus" means the latest edition of the syllabus adopted by the board.

§ 231. State board of pharmacy; appointments; nominations; examiners; secretary; expenses. The state board of pharmacy in office when this section takes effect shall remain in office until August first, nineteen hundred and ten. On and after that date such board shall consist of nine examiners, four of whom shall be residents of the city of New York. At the annual meeting of the association held in nineteen hundred and ten there shall be twenty-five licensed pharmacists nominated by ballot whose names shall be submitted to the regents, immediately thereafter.

Appointments. From the number thus submitted or from the other licensed pharmacists of the state the regents may appoint nine persons, who shall constitute the board of pharmacy, whose term of office shall begin on August first, nineteen hundred and ten, three of whom shall hold office for a term of one year, three for a term of two years and three for a term of three years. The successors of the members, whose terms of office have expired, shall be appointed, as hereinafter provided, for a term of three years. A vacancy in the office of any member, caused otherwise than by expiration of term, shall be filled by the regents for the unexpired term of such member.

Nominations. Thereafter, at each annual meeting of the association, nine licensed pharmacists shall be nominated by ballot, whose names shall be submitted to the regents in writing under the seal of the association by the president and secretary thereof, promptly after the adjournment of such meeting. From the number thus submitted or from the other licensed pharmacists of the state the regents may appoint three persons to succeed the members whose terms of office expire on the following July thirty-first.

Examiners. No person shall be appointed as an examiner unless he is a licensed pharmacist, and has legally practiced as such for at least ten years in this state. Each of the candidates shall present proof of such qualifications to the regents. The regents may remove any examiner for misconduct, incapacity or neglect of duty. Each examiner shall receive a certificate of appointment from the regents, and before beginning his term of office shall take and file with the secretary of state the constitutional oath of office. The board or any committee thereof may employ counsel, may compel the attendance of witnesses, and may take testimony and proofs concerning all matters within its jurisdiction. The board shall make such rules approved by the regents not inconsistent with the law, as may be necessary for the proper performance of its duty, but no rule by which more than a majority vote is required for any specific action by the board shall be amended, suspended, or repealed by a smaller vote than that required for action thereunder.

Secretary. The secretary shall be a licensed pharmacist who has legally practiced as a pharmacist for at least ten years in this state. He shall be appointed by the regents, shall hold office during their pleasure and shall receive an annual salary of three thousand dollars, payable from the moneys received under this article. He shall be the executive officer of the board and shall have such powers and shall perform such duties as are prescribed by the rules. The secretary in office when this article takes effect shall continue in office until his successor has been appointed as above provided.

Expenses. All fees, fines, penalties and other moneys derived from the operation of this article shall be paid into the state treasury and the legislature shall annually appropriate for the department an amount sufficient to pay all proper expenses incurred pursuant to this article. All funds in the custody of the state board of pharmacy when this act takes effect shall be immediately turned over to the department and shall be available for the payment of all proper expenses of the board, until an appropriation is made by the legislature as above provided. When such appropriation is so made the unexpended balance of the funds so turned over to the department shall be paid into the state treasury, to be expended as in the case of other moneys derived from the operation of this article.

§ 232. Powers and duties of the board; records; employees. Prior to October first the board shall annually elect from its members a president and a vice-president for the academic year, and shall hold one or more meetings each year. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and approved by the regents.

The board shall have power:

(a) To regulate the practice of pharmacology.

(b) To regulate the sale of drugs, chemicals, medicines and poisons.

(c) To regulate the employment of apprentices and employees in pharmacies.

(d) To regulate the working hours and sleeping apartments of employees in pharmacies.

(e) To regulate and control the character and standard of drugs and medicines compounded and dispensed in the state, to employ inspectors and chemists, to secure samples and to prevent the sale of such drugs, chemicals, medicines and poisons as do not conform to the formulae, standards and tests of the pharmacopœia and formulary.

(f) To regulate the retailing of poisons and to adopt schedules.

(g) To issue temporary permits limited to definite areas.

(h) To investigate alleged violations of the provisions of this article, to conduct hearings in respect thereto when, in its discretion, it appears to be necessary, and to bring the same to the notice of the attorney-general.

Records. It shall be the duty of the board in its rooms provided by the regents to preserve a record of all licenses and certificates which shall be open to public inspection and shall have in all legal proceedings the same weight as evidence that is given to a record of conveyance of lands. It shall render annually to the regents and the association a report of all its proceedings during the preceding year.

Books, records, papers and properties of the state board of pharmacy and of each branch thereof abolished by this act shall on or before August tenth, nineteen hundred and ten, be transferred to the state board of pharmacy, organized under and in pursuance of the provisions of this act and shall be preserved by the board.

Employees. The clerks, stenographers, inspectors and employees of the state board of pharmacy in office when this act takes effect shall be transferred to the department. The rules of the board, made as hereinbefore provided, shall specify the number of clerks, stenographers, inspectors and employees, necessary to carry out the provisions of this article. The clerks, stenographers, inspectors and employees transferred to the department as above provided, or hereafter employed, shall be subject to the same rules as to appointment and service as the other employees of the department.

§ 233. Licenses; certificates; examinations; rules. Satisfactory evidence verified by oath shall be required by the regents of all candidates for admission to the examinations.

Pharmacist. They shall admit to the examination for pharmacist any candidate that pays a fee of ten dollars and

1. Is more than twenty-one years of age.

2. Is of good moral character.

3. Had prior to beginning the first year of study in the school fifteen counts or the equivalent.

4. Has studied pharmacology as outlined in the syllabus not less than two years in a school.

5. Has either received the diploma of graduate in pharmacy or equivalent degree from a school, or a license conferring the full right to practice pharmacology in some foreign country registered as meeting the minimum requirements of this article. The diploma of graduate in pharmacy or equivalent degree shall not be conferred on any one that did not file with the school at matriculation the pharmacy student certificate required above.

6. Has had four years' experience in a registered pharmacy, one year of which experience within five years of the date of application must have been in a pharmacy of the United States under the personal supervision of a pharmacist.

Druggist. They shall admit to the examination for druggist any candidate that pays a fee of five dollars and

1. Is more than eighteen years of age.

2. Is of good moral character.

3. Has the preliminary and professional education required by the rules.

4. Has had three years' experience in a registered pharmacy, one year of which experience within five years of the date of application must have been in a pharmacy of the United States under the personal supervision of a pharmacist or druggist.

Apprentice. They shall admit to the examination for apprentice any candidate that pays a fee of one dollar and

1. Is more than fifteen years of age.

2. Is of a good moral character.

3. Has begun an apprenticeship for the term of practical experience required by this article.

Storekeeper. They shall admit to the examination for storekeeper any candidate that pays a fee of three dollars annually and

1. Is more than twenty-one years of age.

2. Is of good moral character.

3. Has had experience in dealing in drugs, chemicals, medicines and poisons.

Examinations. The board shall submit to the regents as required suitable questions for thorough examination in pharmacology, both written and practical, as outlined in the syllabus.

From these questions the secretary shall prepare question papers in accordance with the rules which at any examination shall be the same for all candidates. Examinations for license shall be given in at least three convenient places in the state and at least four times annually in accordance with the rules. The practical examinations shall be conducted by the examiners, the written by the regents. On receiving from the board an official report that an applicant has successfully passed the examinations and is recommended for license, the regents shall issue to him a license to practice according to the qualifications of the applicant. Every license shall be issued by the regents under seal and shall be signed by the commissioner, each examiner and by the secretary. Every certificate shall be issued by the board subject to rule and shall be signed by the secretary. Applicants examined and licensed by other state examining boards registered by the regents as maintaining standards not lower than those provided by this article may without further examination, on payment of twenty-five dollars to the regents and on submitting such evidence as they may require, receive from them an endorsement of their licenses or diplomas conferring all rights and privileges of a regents' license after examination.

Before any license or certificate is issued it shall be numbered and properly recorded, and its number shall be noted in the license or certificate. The regents on the recommendation of the board may revoke a license or annul a certificate, for cause.

Rules. The rules of the board and of the regents affecting examination, registration and administration continue in force until revised by the board and approved by the regents.

The board shall make rules subject to the approval of the regents:

1. For the examination, certification and registration of apprentices and storekeepers.

2. For the surrendering of licenses, issued prior to January first, nineteen hundred and one.

3. For the acceptance of licenses from other licensing boards issued prior to January, nineteen hundred and five, in lieu of a diploma.

4. For the accomplishment of the trusts reposed in them by this article and by any other law of the state.

All licenses and certificates of examination, issued to licensees by former boards of pharmacy, shall be in full force and effect in perpetuity for the section of the state for which they were issued, and all certificates of registration issued during nineteen hundred and ten shall be valid until January first, nineteen hundred and eleven.

§ 234. Pharmacies; drug stores; stores. Except as prescribed in this article, it shall not be lawful for any person to practice as a pharmacist, druggist, apprentice or storekeeper, or to engage in, conduct, carry on, or be employed in the dispensing, compounding or retailing of drugs, chemicals, medicines, prescriptions or poisons within this state. Every place in which drugs, chemicals, medicines, prescriptions or poisons are retailed, or dispensed, or compounded, shall be a pharmacy, a drug store, or a store; shall be under the personal supervision of a pharmacist, a druggist, or a storekeeper and shall be annually registered in the month of January by the board as conducted in full compliance with law and the rules.

Pharmacies. It shall be lawful for a pharmacist in conformity with the rules, to take, use and exhibit the titles pharmacist and registered pharmacy and to have charge of, engage in, conduct or carry on for himself or for another the dispensing, com-

pounding, or sale of drugs, chemicals, medicines, prescriptions or poisons anywhere within the state, but he shall have personal supervision of not more than one pharmacy or drug store at the same time.

Drug stores. It shall be lawful for a druggist in conformity with the rules to take, use, and exhibit the titles druggist and registered drug store, and to have charge of, engage in, conduct or carry on for himself or for another the dispensing, compounding or retailing of drugs, chemicals, medicines, prescriptions or poisons anywhere within the state, in a place of not more than one thousand inhabitants, but he shall have charge of not more than one drug store at the same time. He may be employed for the purpose of dispensing or retailing drugs, chemicals, medicines, prescriptions and poisons in a registered pharmacy under the management and personal supervision of a licensed pharmacist; he may also perform such duties during the temporary absence of the pharmacist, except in cities of more than one million inhabitants.

Temporary permits. In places and villages of a thousand inhabitants or less that do not have within three miles a pharmacy or drug store;

1. Physicians may compound medicines, fill prescriptions and sell poisons labeled as required by this article.

2. Storekeepers may in accord with the rules sell medicines and poisons for a period not exceeding one year upon the payment of a fee of three dollars. The storekeeper's certificate is limited to the village or place where the storekeeper resides and may be limited to the sale of certain classes of poisons sold only in original packages and put up by a licensed pharmacist whose name and business address is displayed on the package.

Stores. It shall be lawful for the storekeeper in conformity with the rules to take, use and exhibit the titles certified storekeeper and registered store and to sell medicines and poisons for

a period not exceeding one year in a village or place of the state with less than one thousand inhabitants that has no pharmacy or drug store within three miles of it.

Every person practicing as a pharmacist or druggist must at all times display his license conspicuously in his place of business. The proprietor of every pharmacy, drug store or store shall annually in the month of January report under oath to the board any facts required by the board, shall pay the registration fee of two dollars and shall receive a certificate of registration that must be conspicuously displayed at all times in the pharmacy, drug store or store with all licenses. Every person, partnership, association or corporation doing business as the proprietor or proprietors of a pharmacy, drug store or store shall cause the name of such proprietor or proprietors to be displayed upon a sign conspicuously placed upon the exterior of the building and this sign shall be presumptive evidence of ownership of such pharmacy, drug store or store. The proprietor that opens a pharmacy, drug store or store subsequent to the month of January shall, within thirty days of opening, make this report, pay the fee and display the certificate and the sign. Every proprietor of a wholesale or retail pharmacy, drug store or store is responsible for the strength, quality and purity of all drugs sold or dispensed by him, subject to the guaranty provisions of this article.

§ 235. Apprentices and employees. Apprentices may be employed, in accordance with the requirements of this article and the rules, in registered pharmacies and drug stores and may receive instruction in the practice of pharmacology. Apprentices may prepare or dispense receipts or prescriptions, may sell or furnish medicines or poisons in the presence of and under the immediate personal supervision of a pharmacist or druggist who must be either the proprietor or in the actual employ of the proprietor. The proprietor as principal shall be equally liable for violations of this article by his apprentices or his unlicensed em-

ployees. Other unlicensed assistants may be employed in registered pharmacies and drug stores for other purposes than the practice of pharmacology and the dispensing, compounding or retailing of drugs, chemicals, medicines, prescriptions or poisons.

§ 236. Working hours and sleeping apartments. No pharmacist, druggist, apprentice or employee in any pharmacy shall be required or permitted to work more than seventy hours per week. Nothing in this section prohibits working six hours overtime any week for the purpose of making a shorter succeeding week, provided, however, that the aggregate number of hours in any such two weeks shall not exceed one hundred and forty hours. The working hours per day shall be consecutive, allowing one hour for each meal. The hours shall be so arranged that an employee shall be entitled to and shall receive at least one full day off in two consecutive weeks. This paragraph applies to cities of the first class. No proprietor of any pharmacy or drug store shall require or permit any clerk to sleep in any room or apartment in or connected with such store that does not comply with the sanitary regulations of the local board of health.

§ 237. Adulterating, misbranding and substituting. A drug is adulterated in any of the following cases:

1. When sold under or by a name recognized in the pharmacopœia it differs from the standard determined by the test or formula given.

2. When sold under or by a name recognized in the formulary the strength, quality or purity or percentage of the alkaloid or alkaloids or other potent ingredient or ingredients differs from the standard determined by the test or formula given.

3. When sold under or by a name not recognized in or according to a formula not given in the pharmacopœia or formulary that is found in some other standard work on pharmacology recognized by the board, it differs in strength, quality or purity from the strength, quality or purity required, or the formula prescribed

in the standard work. Provided, however, that all drugs sold by wholesalers when not sold to a consumer shall be in accordance with the provisions of the national food and drug act of June thirtieth, nineteen hundred and six.

4. When sold as a homeopathic drug it differs from the strength, quality or purity established by the test or formula given in the latest edition of the homeopathic pharmacopœia of the United States or the American homeopathic pharmacopœia.

5. Its strength, quality or purity differs from the professed standard of strength, quality or purity under which it is sold.

6. It contains methyl or wood alcohol when intended for use as a medicine except when sold as a veterinary liniment for external use only and so labeled.

Misbranding and substituting. A drug is misbranded if

1. The package bears any statement, design or device that is false or misleading in any particular regarding its contents, regarding the state, territory or county in which it is manufactured or produced.

2. It is an imitation or is offered for sale under the name of another substance.

3. The original contents of the package have been removed in whole or in part and other contents added.

4. The package fails to bear a statement of the percentage contained therein by volume of alcohol and by quantity or proportion of morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate, acetanilide or any derivative or preparation of any of these substances.

5. The package containing a homeopathic drug fails to state that fact.

These statements shall be made in type easily read, conspicuously displayed and described by their common or English names. Alcohol used as a solvent, preservative or for any other purpose is contained in the drug within the meaning of this article. Noth-

ing in this paragraph applies to the compounding and dispensing of drugs and medicines on the written prescription of a physician, dentist or veterinarian, which prescription shall be kept on file by the pharmacist or druggist. Nor does it apply to unadulterated drugs recognized in the pharmacopœia and the formulary and the homeopathic pharmacopœia sold under the names by which they are recognized therein, and not sold under a proprietary name, trade name or trade mark. All adulterated, misbranded or substituted drugs are forfeited to the board for destruction.

§ 238. Poison schedules; register; opium and other prescriptions. It is unlawful for any person to sell at retail or to furnish any of the poisons of schedules A and B without affixing or causing to be affixed to the bottle, box, vessel or package, a label with the name of the article and the word poison distinctly shown and with the name and place of business of the seller all printed in red ink together with the name of such poisons printed or written thereupon in plain, legible characters.

Wholesale dealers in drugs, medicines, pharmaceutical preparations, chemicals or poisons shall affix or cause to be affixed to every bottle, box, parcel and outer inclosure of any original package containing any of the articles of schedule A a suitable label or brand in red ink with the word poison upon it.

Register. Every person who disposes of or sells at retail or furnishes any poisons included in schedule A shall before delivering the same enter in a book kept for that purpose the date of sale, the name and address of the purchaser, the name and the quantity of the poison, the purpose for which it is purchased and the name of the dispenser. The poison register must be always open for inspection by the proper authorities and must be preserved for at least five years after the last entry. He shall not deliver any of the poisons of schedule A or B until he has satisfied himself that the purchaser is aware of its poisonous character and that the poison is to be used for a legitimate purpose. The

provisions of this paragraph do not apply to the dispensing of medicines or poisons on physician's prescriptions.

The board shall add to any of the schedules from time to time as such action becomes necessary for the protection of the public. Schedules A, B and C shall remain in force till amended by the rules.

Prescriptions of opium, morphine and chloral. No pharmacist, druggist, or other person shall refill more than once, prescriptions containing opium or morphine or preparations of either of them or chloral, in which the dose of opium shall exceed one-quarter of a grain, or of morphine one-twentieth of a grain, or of chloral ten grains, except upon the written order of a physician.

§ 239. Construction of article; temporary permits. This article shall not apply to the practice of a physician that is not the proprietor of a pharmacy, drug store or store, or that is not in the employ of such a proprietor. Except as to the quality of drugs dispensed it shall not prevent physicians from supplying their patients with such articles as the physician deems proper. This article shall not be construed as precluding the ownership of a pharmacy or drug store by an unlicensed person, firm or corporation provided such pharmacy or drug store be conducted in accordance with the provisions of said article. Except as to the labeling of poison and to adulterating, misbranding and substituting, it shall not apply.

1. To the sale of drugs, medicines, chemicals, prescriptions or poisons at wholesale when not for the use or consumption of the purchaser.

2. To the sale of paris green, white hellebore and other poisons for destroying insects.

3. To the sale of any substance for use in the arts.

4. To the manufacture and sale of proprietary medicines.

5. To the sale by merchants of the articles in schedule C.

§ 240. Revocation of license; misdemeanors; violation and penalties. No license or certificate shall be

granted to any applicant guilty of felony or gross immorality, or that is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacology. Any license or certificate obtained by misrepresentation or fraud or that is held by any one unfit or incompetent from negligence, habits or other cause may be revoked after reasonable notice and an opportunity to be heard. The wilful and repeated violation of any of the provisions of this article or the rules is sufficient cause for the revocation of a license or certificate. The license or certificate revoked shall on formal notice be delivered immediately to the board.

Misdemeanors. It is a misdemeanor for

1. Any person to procure or to attempt to procure a license or certificate for himself or for any other person by making, or causing to be made, any false representations.

2. Any pharmacist to permit the compounding and dispensing of prescriptions of medical practitioners in his pharmacy by any unlicensed person or persons, except in the presence of and under the immediate personal supervision of a pharmacist or druggist.

3. Any unlicensed person to prepare or to dispense a medical prescription or physician's prescription, or to dispense or to sell at retail poisons or medicines except under the immediate personal supervision of a pharmacist or druggist whose license is displayed in the pharmacy or drug store.

4. Any unlicensed person to open or to conduct or to have charge of, or to supervise any pharmacy, drug store or store for retailing, dispensing or compounding drugs, chemicals, medicines, prescriptions or poisons.

5. Any person to fraudulently represent himself to be licensed.

6. Any person to intentionally prevent or knowingly refuse to permit any examiner or inspector to enter a pharmacy, drug store or store for the purpose of lawful inspection.

7. Any person whose license or certificate has been revoked, to refuse to deliver the certificate or license.

8. Any person to omit his name from the sign and any holder of a license or certificate to fail to display the same.

9. Any proprietor of a pharmacy in a city of the first class to require more than seventy working hours a week in other arrangement than that permitted by section two hundred and thirty-six; and for any proprietor of a pharmacy or drug store to violate the provisions of the same section in regard to sleeping apartments.

10. Any person to adulterate, misbrand or substitute any drug knowing or intending that it shall be used, or sells, offers for sale or causes to be sold any adulterated, misbranded or substituted drug.

11. Any person to violate any of the provisions of this article in relation to the wholesaleing, retailing or dispensing of drugs, chemicals, medicines, prescriptions and poisons for which violation no other punishment is imposed.

Violations and penalties. Any person that violates any of the provisions of this article who is not criminally prosecuted, as for a misdemeanor, shall forfeit to the people of the state of New York the sum of fifty dollars for every such violation, which may be paid to the board or sued for and recovered in the name of the people of the state of New York in an action brought therefor by the attorney-general.

A person accused of violation of any of the provisions of this article relating to adulterating, misbranding or substitution shall not be prosecuted or convicted or suffer any of the penalties, fines or forfeitures for such violation, if he establishes upon the hearing or trial that the drug or drugs alleged to be *adultered, misbranded or substituted were purchased by him under a guaranty of the manufacturer or seller to the effect that said drug or drugs were not adulterated or misbranded within the meaning of this article and proves that he has not adulterated, misbranded or substituted the same. A guaranty in order to be a defense to a prosecution or to prevent conviction or to afford protection, must state

* So in original.

that the drug or drugs to which it refers are not *adultered, misbranded or substituted within the meaning of the provisions of the statute of New York state and must state also the full name, and place of business of the manufacturer, wholesaler, jobber or other person from whom the drug or drugs were purchased. In construing and enforcing the provisions of this article the word "person" shall import both the plural and singular and shall include corporations, companies, partnerships, societies and associations, and the act, omission or failure of any officer, agent or other person acting for or employed by any corporation or association within the scope of his authority or employment shall in every case be deemed to be the act, omission or failure of the corporation or association as well as that of the officer, agent or other person; and that in case of violation of the provisions of this article by a partnership, association or corporation, every member of the partnership or association and the directors and general officers of the corporation and the general manager of the partnership, association or corporation, shall be individually liable and any action, prosecution or proceeding authorized by this article may be brought against any or all of such persons. When any prosecution under this article or under section eleven hundred and forty-two, section eighty, section eighty-one, section eighty-two, section seventeen hundred and forty-two, section seventeen hundred and forty-three, section seventeen hundred and forty-five, section seventeen hundred and forty-six, section seventeen hundred and forty-seven, section seventeen hundred and forty-eight, section seventeen hundred and forty-nine and section seventeen hundred and sixty of the penal law and any amendment thereto is made on the complaint of the board, any fines collected shall be paid into the state treasury as provided by this article.

§ 2. Such article of such chapter is hereby amended by adding thereto a new section to be section two hundred and forty-one thereof, to read as follows:

§ 241. Schedules A, B and C. These schedules remain in force until revised by the board and approved by the regents.

* So in original.

Schedule A. Arsenic, atropine, corrosive sublimate, potassium cyanide, chloral hydrate, hydrocyanic acid, morphine, strychnine and all other poisonous vegetable alkaloids and their salts, oil of bitter almond containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

Schedule B. Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of savin, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloroform, creosote, croton oil, white precipitate, strophanthus, methyl or wood alcohol, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore, or any drug, chemical or preparation which, according to the pharmacopœia and formulary and homeopathic pharmacopœias, is destructive to adult human life in quantities of sixty grains or less.

Schedule C. Ammonia water, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dye stuffs, essence of peppermint, essence of wintergreen, non-poisonous flavoring essences or extracts, glycerine, licorice, olive oil, sal ammoniac, saltpetre, sal soda, epsom salt, rochelle salt, sulphur, cod liver oil, vaseline, petroleum jellies, oil of origanum, oil of spike, flaxseed, rock candy, butter color, malt extract, extract of beef, beef iron and wine, extract of witch hazel, quinine pills, cathartic pills, seidlitz powders, bay rum, perfumes, toilet water, turmeric, talcum powder, composition powder, porus plasters, court plasters, copperas, alum, gum arabic, lithia water.

§ 3. This act shall not affect pending actions or proceedings, civil or criminal brought by or against the state board of pharmacy, as the same was constituted prior to the taking effect of such act, but such actions or proceedings shall be prosecuted or defended to a final conclusion, in the same manner, by the state board of pharmacy constituted as herein provided, or by the officer having jurisdiction in respect thereto. The provisions of this act shall not be construed so as to affect or impair any act done, or right accruing, accrued or acquired, or any penalty, forfeiture,

or punishment incurred prior to the time when this act or any part thereof takes effect, under or by *vrtiue of the law amended by such act, but the same may be asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this amendatory act had not been passed.

§ 4. Section three hundred and eighteen of such chapter is hereby repealed.

§ 5. This act shall take effect August first, nineteen hundred and ten, except that the provisions contained in section two hundred and thirty-one, which relate to the nomination and appointment of members of the state board of pharmacy and the organization of said board, shall take effect immediately.

VI. REGISTRATION OF NURSES

Public Health Law (*L.* 1909, *ch.* 49) *art.* 12

Section 250. Who may practice as registered nurses.
251. Board of examiners; examination; fees.
252. Waiver of examination.
253. Violations of this article.

§ 250. Who may practice as registered nurses. Any resident of the state of New York, being over the age of twenty-one years and of good moral character, holding a diploma from a training school for nurses connected with a hospital or sanitarium giving a course of at least two years, and registered by the regents of the university of the state of New York as maintaining in this and other respects proper standards, all of which shall be determined by the said regents, and who shall have received from the said regents a certificate of his or her qualifications to practice as a registered nurse, shall be styled and known as a registered nurse, and no other person shall assume such title, or use the abbreviation R. N. or any other words, letters or figures to indicate that the person using the same is such a registered nurse. Before beginning to practice nursing every such registered nurse shall cause such certificate to be recorded in the county clerk's office of the county of his or her residence with an affidavit

* So in original.

of his or her identity as the person to whom the same was so issued and of his or her place of residence within such county. In every thirty-sixth month from the month of January, nineteen hundred and six, every registered nurse shall again cause his or her certificate to be recorded in the said county clerk's office, with an affidavit of his or her identity as the person to whom the same was issued, and of his or her place of residence at the time of such re-registration. Nothing contained in this article shall be considered as conferring any authority to practice medicine or to undertake the treatment or cure of disease in violation of article eight of this chapter.

§ 251. Board of examiners; examination; fees. The board of examiners of nurses appointed pursuant to laws of nineteen hundred and three, chapter two hundred and ninety-three, is continued. The New York state nurses' association at each annual meeting shall nominate for examiners two of their members who have had not less than five years' experience in their profession. Upon the expiration of the term of office of any examiner now in office the regents of the university of the state of New York shall from the candidates so nominated fill the vacancy for a term of five years and until his or her successor is chosen. An unexpired term of an examiner caused by death, resignation or otherwise, shall be filled by the regents in the same manner as an original appointment is made. The said regents, with the advice of the board of examiners above provided for, shall make rules for the examination of nurses applying for certification under this article, and shall charge for examination and for certification a fee of five dollars to meet the actual expenses, and shall report annually their receipts and expenditures under the provisions of this article, to the state comptroller, and pay the balance of receipts over expenditures to the state treasurer. The said regents may revoke any such certificate for sufficient cause after written notice to the holder thereof and hearing thereon. No person shall thereafter practice as a registered nurse under any such revoked certificate.

§ 252. Waiver of examination. The regents of the university of the state of New York may upon the recommendation of said board of examiners, waive the examination of any persons possessing the qualifications mentioned in section two hundred and fifty, who shall have been graduated before, or who were in training on the twenty-fourth day of April, nineteen hundred and three, and shall thereafter be graduated.

§ 253. Violations of this article. Any violation of this article shall be a misdemeanor. When any prosecution under this article is made on the complaint of the New York state nurses' association, the certificate of incorporation of which was filed and recorded in the office of the secretary of state on the second day of April, nineteen hundred and two, the fines collected shall be paid to said association and any excess in the amount of fines so paid over the expenses incurred by said association in enforcing the provisions of this article shall be paid at the end of each year to the treasurer of the state of New York.

VII. OPTOMETRY

Public Health Law (*L.* 1909, *ch.* 49) *art.* 15

Section 300. Definition; application of article.
301. State board of examiners.
302. Powers of board.
303. Examinations; certificates of practitioners.
304. Certificate to be recorded and displayed.
305. Fees.
306. Revocation of certificate.
307. Violations of article.
308. Construction of article.

§ 300. Definition; application of article. The practice of optometry is defined to be the employment of any means, other than the use of drugs, for the measurement of the powers of vision and the adaptation of lenses for the aid thereof.

§ 301. State board of examiners. The board of examiners in optometry is continued. The members of said board

now in office shall continue in office until the expiration of their respective terms. Such board of examiners shall consist of five persons, appointed by the state board of regents, and shall possess sufficient knowledge of theoretical and practical optics to practice optometry and shall have been residents of this state actually engaged in the practice of optometry for at least five years. The term of each member of said board shall be three years, or until his successor is appointed, and vacancies shall be filled for the unexpired term only.

§ 302. Powers of board. Said board of examiners shall, subject to the approval of the regents, make such rules and regulations, not inconsistent with the law, as may be necessary for the proper performance of its duties; any member of the board may upon being duly designated by the board, or a majority thereof, administer oaths or take testimony concerning any matter within the jurisdiction of the board.

§ 303. Examinations; certificates of practitioners. Every person desiring to commence or to continue the practice of optometry after January first, nineteen hundred and nine, except as hereinafter provided, upon presentation of satisfactory evidence, verified by oath, that he is more than twenty-one years of age, of good moral character, has a preliminary education equivalent to at least two years in a registered high school, and has also studied at least three years in a registered optometrist's office, or has graduated from a school of optometry, maintaining a standard satisfactory to said board of regents, shall take an examination before said board of examiners to determine his qualifications therefor. Every candidate successfully passing such examination shall be registered by said board of regents as possessing the qualifications required by this article, and shall receive from said board of regents a certificate thereof, but any person who shall submit to said board of examiners satisfactory proof as to his character, competency, and qualifications, and that he has been continuously engaged in the practice of optometry in this state for more than two years next prior to the time that chapter four hundred and sixty of the laws of nineteen hundred and eight

took effect, may upon the recommendation of said board of examiners receive from the board of regents a certificate of exemption from such examination, which certificate shall be registered and entitle him to practice optometry under this article. Every person who was, on the twenty-first day of May, nineteen hundred and eight, when section two hundred and nine-d of the public health law, as then known, took effect, entitled to a certificate of exemption as therein provided, but who failed or neglected to make application therefor and present evidence to entitle him thereto, on or before January first, nineteen hundred and nine, as provided by said section, must make such application and present such evidence on or before July first, nineteen hundred and nine, or he shall be deemed to have waived his right to such certificate. Before any certificate is issued it shall be numbered and recorded in a book kept in the regents' office and its number shall be noted upon the certificate. A photograph of the person registered shall be filed with the record and a duplicate thereof affixed to the certificate. In all legal proceedings the record and photograph so kept in the regents' office or certified copies thereof shall be prima facie evidence of the facts therein stated. [*As amended by L.* 1909, *ch.* 134]

§ 304. Certificate to be recorded and displayed. Every person to whom a certificate of either registration or exemption shall be issued shall immediately cause the same to be recorded in the clerk's office in the county of his residence, and also in the clerk's office of each other county wherein he shall then practice or thereafter commence the practice of optometry; every person practicing optometry must also display his certificate of registration or exemption in a conspicuous place in the principal office wherein he practices optometry and, whenever required, exhibit such certificate to said board of examiners or its authorized representatives. And whenever practicing said profession of optometry outside of, or away from, said office or place of business, he shall deliver to each customer or person so fitted with glasses, a bill of purchase, which shall contain his signature, home post-office address, and the number of his certificate of

registration or exemption, together with a specification of the lenses furnished and the price charged therefor.

§ 305. Fees. The fee for such examination shall be fifteen dollars; for a certificate of registration, ten dollars, and for a certificate of exemption, five dollars, to be paid to the board of regents and constitute a fund for expenses made necessary by this article. Such fees shall be paid into the state treasury and the legislature shall annually appropriate therefrom for the education department an amount sufficient to pay all proper expenses incurred pursuant to this article. The fee to be paid to the county clerk for recording a certificate shall be fifty cents.

§ 306. Revocation of certificate. The board of regents shall have power to revoke any certificate of registration or exemption granted by it under this article, the holder of which is guilty of any fraud or deceit in his practice, has been convicted of crime, or is an habitual drunkard, or grossly incompetent to practice optometry. Proceedings for revocation of a certificate or the annulment of registration shall be begun by filing a written charge or charges against the accused. These charges may be preferred by any person or corporation, or the regents may on their own motion direct the executive officer of the board of regents to prefer said charges. Said charges shall be filed with the executive officer of the board of regents, and a copy thereof filed with the secretary of the board of optometry examiners. The board of optometry examiners, when charges are preferred, shall designate three of their number as a committee to hear and determine said charges. A time and place for the hearing of said charges shall be fixed by said committee as soon as convenient, and a copy of the charges, together with a notice of the time and place when they will be heard and determined, shall be served upon the accused or his counsel, at least ten days before the date actually fixed for said hearing. Where personal service or service upon counsel cannot be affected, and such fact is certified on oath by any person duly authorized to make legal service, the regents shall cause to be published for at least seven times for at least twenty days prior to the hearing, in two daily

papers in the county in which the optometrist was last known to practice, a notice to the effect that at a definite time and place a hearing will be had for the purpose of hearing charges against the optometrist upon an application to revoke his certificate. At said hearing the accused shall have the right to cross-examine the witnesses against him and to produce witnesses in his defense, and to appear personally or by counsel. The said committee shall make a written report of its findings and recommendations, to be signed by all its members, and the same shall be forthwith transmitted to the executive office of the board of regents. If the said committee shall unanimously find that said charges, or any of them, are sustained, and shall unanimously recommend that the certificate of the accused be revoked or his registration be annulled, the regents may thereupon, in their discretion, revoke said certificate or annul said registration, or do both. If the regents shall annul such registration, they shall forthwith transmit to the clerk of the county or counties in which said accused is registered as an optometrist, a certificate under their seal certifying that such registration has been annulled, and said clerk shall, upon receipt of said certificate, file the same and forthwith mark said registration "annulled." Any person who shall practice optometry after his registration has been marked "annulled" shall be deemed to have practiced optometry without registration. Where the certificate of any person has been revoked, or his registration has been annulled as herein provided, the regents may, after the expiration of one year, entertain an application for a new certificate, in like manner as original applications for certificates are entertained; and upon such new application they may in their discretion exempt the applicant from the necessity of undergoing any examination.

§ 307. Violations of article. No person not a holder of a certificate of registration or exemption duly issued to him and recorded as above provided shall after January first, nineteen hundred and nine, practice optometry within this state. No person shall falsely personate a registered optometrist of a like or different name, nor buy, sell, or fraudulently obtain a certificate of registration or exemption issued to another. Practicing

or offering to practice optometry, or the public representation of being qualified to practice the same by any person not authorized to practice optometry, shall be sufficient evidence of a violation of this article. Any violations of the provisions of this article shall be a misdemeanor and courts of special sessions shall have jurisdiction of all such violations.

§ 308. Construction of article. Nothing in this article shall be construed to apply to duly licensed physicians authorized to practice medicine under the laws of the state of New York nor to persons who neither practice nor profess to practice optometry, who sell spectacles, eyeglasses or lenses either on prescription from such physicians or from such duly qualified optometrists, or as merchandise from permanently located and established places of business.

VIII. PUBLIC ACCOUNTANTS

General Business Law (*L.* 1909, *ch.* 25)

§ 80. Certified public accountants. Any citizen of the United States, or person who has duly declared his intention of becoming such citizen, residing or having a place for the regular transaction of business in the state, being over the age of twenty-one years and of good moral character, and who shall have received from the regents of the university a certificate of his qualifications to practice as a public expert accountant as hereinafter provided, shall be styled and known as a certified public accountant; and no other person shall assume such title, or use the abbreviation C. P. A. or any other words, letters or figures, to indicate that the person using the same is such certified public accountant.

§ 81. Regents to make rules. The regents of the university shall make rules for the examination of persons applying for certificates under this article, and may appoint a board of three examiners for the purpose, which board shall be composed of certified public accountants. The regents shall charge for examination and certificate such fee as may be necessary to meet

the actual expenses of such examinations, and they shall report, annually, their receipts and expenses under the provisions of this article to the state comptroller, and pay the balance of receipts over expenditures to the state treasurer. The regents may revoke any such certificate for sufficient cause after written notice to the holder thereof and a hearing thereon.

§ 82. Misdemeanor. Any violation of this article shall be a misdemeanor.

INDEX

Abolition of libraries, 202.
Academic departments, 5.
  academies changed to, 72.
  apportionment, 112.
    for nonresident pupils, 113.
  boards of education, powers, 72.
  establishment, 69.
Academic examinations, 11.
Academic quota, 112.
Academies
  apportionment to, 112.
  changed to academic departments, 72.
  charters, 13.
  defined, 5.
  dissolution, 14–17.
  retransfer to former trustees, 73.
  trustees, 72.
Accountants, *see* Public accountants.
Actions
  against school officers, 158.
  county judge to compel district to levy tax for costs, 158, 159.
  expenses of district officers in defending, tax for, 45.
  for recovery of taxes, 98.
  supervisors sue for money due from school officers, 32.
  teachers' wages, unpaid, 45.
  trustees, against predecessor, 59.
    provisions of code of civil procedure, 256–57.
Affidavits, commissioner of education may take, 24.
  district superintendents may take, 89.
Age of pupils, 123.
Agriculture, schools of, 125–29, 186–92.
  authority of the board of education over, 127.
  courses for training of teachers, 129.
  estimates and appropriations, 128.
  state aid for, 127.
  supervision by commissioner of education, 24.
Alcoholic drinks, *see* Physiology and hygiene.
Alfred University, state school of agriculture, 189–91.
Annual meetings, *see* School meetings.
Apparatus
  apportionment for, 112.
  boards of education to purchase, 68, 69.
  district to vote tax for, 44.
  exempt from taxation, 36.
  expenditures for, 57.
  loans, 11.
  purchase of, 106.
  repairs, 57.
Appeals
  from action of joint meeting altering school districts, 28.
  to commissioner of education, 160–62.
  from district superintendents' acts and decisions, 90.
  district superintendents to report testimony to commissioner of education, 89.
  expenses of district officers, tax for, 44.
  See also Decisions.

Appellate division libraries, 205–7.
Appointments of officers and employees of Education Department, 7.
Apportionment, *see* Public library money; School libraries; School moneys.
Arbor day, 145–46.
Archives in state library, 196.
Art associations, incorporation, 13.
Assessment, *see* Taxes.
Associations, incorporation, 13.
Attendance
  compulsory, 130.
    of Indians, 165–68.
  record of, 121, 133.
Attendance officers, 134.
  Indian schools, 166–67.
  interference with, 135.
Attorneys, admission of, 298–311.

Ballot boxes
  boards of education to provide, 63.
  trustees shall provide, 47.
Ballots in common school districts, form of, 48.
Banking law, extract from, 279–80.
Banks
  savings, in schools, 279–80.
  taxation of, 245–50.
Bequests
  authorized, 286–89.
  to corporations, 285–95.
  of personal property other than money or securities exempt, 294–95.
  transfer tax, exemptions from, 294–95.
  See also Gifts; Trusts.
Birds, birds' nests and eggs, permit to make collection, 296–97.
Blackboards, district to vote tax for, 44.
Blind, instruction of, 168–71.
Boards of education, 60–75.
  academy, may adopt as academic department, 72.
  appointment of officers in union free school district, 52–53.
  bonds, issue of, 108.
Boards of education (*continued*)
  condemnation of land for schoolhouse site, 106.
  contracts with trustees in other districts, 124.
  corporate bodies, 61.
  defined, 6.
  election, 34, 62–65.
    disputes concerning, 64.
    in new district, 65.
    inspectors, 63.
    notice of, 63.
    record of votes, 63.
    special, 64.
  expenditures, limitation upon, 71.
  fire drills, duties relating to, 145.
  fire escapes, construction, 103.
  industrial and trade schools, duties relating to, 126–29.
  ineligibility, 46.
  kindergartens, to maintain, 70.
  library property, transfer of, 203.
  meetings, 70.
    annual, 65.
  members, school officers, 6.
  night schools, to maintain, 70.
  number of members in certain districts, 65–67.
  powers and duties, 67–70.
  president, 61.
  records, 73.
  removals from office, 25, 67, 69.
  reports, 73.
  report of pupils from other districts, 125.
  school libraries, appointment of librarian, 202.
  school meetings, duties relating to, 35, 36.
    special, may call, 41.
  school moneys, custody and payment of, 71.
    estimate of expenditures, 73–74.
  schoolhouses, outbuildings, provision for, 104–5.
  sites, designation without vote, 105.
  superintendent of schools, supervision, 70.

Boards of education (*continued*)
supervision by commissioner of education, 25.
taxes for payment of bonded indebtedness of school district, to raise, 31.
certified to corporate authorities, 74–75.
may levy without vote, 74.
teachers, contract with, 122.
relationship to, 123.
training schools or classes, may establish, 150.
term of office, 62, 65, 66, 67.
text-books, to designate, 140.
to furnish, 141.
title to lands vested in, 106.
trustees, powers of, 72.
of union school district, election, 34.
vacancies in office, 49.
how filled, 69.
visitation of schools, 70–71.
waterclosets, to provide, 69.
See also School trustees; Union school districts.
Boards of supervisors, *see* Supervisors.
Bond
collector's, 44, 52, 53, 95, 119.
recovery of money on, 54.
supervisor's, for school moneys, 79–80.
treasurer's, 44, 51, 53, 119.
Bonded indebtedness, apportionment of, 30.
charge upon enlarged district, 30–31.
Bonds, 107, 108–9.
sale, notice of, 108–9.
payment of proceeds, 51.
sale of site to be taken as security for, 105.
Books
bought with public money, approval of, 202.
forfeiture of grants, 201.
subject to return to state, 202.
of delinquent libraries, 203.
loans, 11.
Books (*continued*)
penalties for detention, 200.
regents may buy for libraries, 201.
standard for local subsidies, 198.
Books and apparatus, apportionment for, 112, 113.
Botanist, state, member of museum staff, 12.
Branch institutions, establishment restricted, 13.
Branch libraries, 197.
Branch schools, establishment, 57.
Building for Education Department, 8.
Buildings, *see* Schoolhouses.
Bulletins, publication authorized, 7–8.
Business corporations law, extract from, 281–82.
Business schools, use of name college, 18.

Census
Indian inhabitants, 167.
school, 137–39.
expenses, how paid, 111.
Certificates
issued by institutions of other states or countries, regents may fix value of, 11.
protection against fraud, 18.
See also College graduate certificate; Credentials; Normal schools; Teachers' certificates.
Chancellor of university, 9.
duties, 10.
meetings, to call, 10.
signature to reports, 7.
Charters, corporations
business corporations law, 281.
constitutional provisions, 281.
membership corporations law, 282.
Charters of university institutions, 13.
alteration or repeal, 14.
conditions of granting, 13.
library, 199.
property requirements, 13.
provisional, 13.

Charters of university institutions (*continued*)
rechartering, 14.
restrictions, degree-conferring power, 17.
surrender, 17.
suspension, 13.
Children, unlawful employment, 132, 133, 261–76.
See also Pupils; School age.
Circulation, subsidies granted on, 198.
Cities
apportionment to, 110, 111, 112.
deposit, custody and payment of moneys in, 71.
libraries, 197.
property in trust for common schools, 117.
school district for purposes of apportionment, 116.
supervisory districts shall not form part of, 81–82.
taxes, corporate authorities to levy, 74.
teachers' training schools or classes, 150.
treasurer or chamberlain, certificate of apportionment of school moneys to, 115.
Civil procedure, code of, extract from, 256–57.
Clerk, *see* District clerk.
Code of civil procedure, extract from, 256–57.
Collection of taxes, *see* Taxes.
Collector
bond, 44, 52, 53, 95, 119.
recovery of money on, 54.
county treasurer, payment of moneys to, 51, 53.
payment of tax to collector, 97–98.
custody of moneys, 53.
disbursement of moneys, 77.
election in common school districts, 43.
fees, 96.
jurisdiction, 95.
liability of, for moneys lost, 54.
payment of moneys, 119.
Collector (*continued*)
railroad companies, assessment and tax, 96–97.
removal of, 25.
reports of receipts and disbursements, 53–54.
in each school district, 46.
school officer, 6.
taxes, notice of receiving, 96.
unpaid, return of, 98.
warrants for collection of, 94–95.
teachers' fund, to disburse, 52.
trustees, may not hold office of, 46.
not to draw on for teachers' wages unless record is verified, 122.
in union free school district, 53.
vacancy in office, 49.
how filled, 49.
Colleges, 5.
defined, 5.
degree-conferring power, 13.
incorporation, conditions of, 13.
name, use of, 18.
trusts, may hold, 287, 290.
water-works and sewer systems, may construct, 21–22.
Colonial history, extra copies, 196.
Colored children, schools for, 163.
Columbus day, 112.
Commissioner of education, 5, 23–26.
academy, approval of adoption as academic department, 72.
affidavits, may take, 24.
agriculture schools, supervision, 24.
appeals or petitions to, 160–62.
appointment of officers and employees, 7.
Arbor day, to prescribe exercises for, 146.
assistant commissioners, appointments, 7.
may take testimony, 10.
removals and suspensions, 7.
boards of education, election disputes, to decide, 64.
may order new election, 64.
removal from office, 25, 67.
supervision, 25.

Commissioner of education (*continued*)
buildings, new, plans and specifications must be approved by, 102.
chief executive officer of state system of education and of regents, 6, 23.
collector, removal of, 25.
compulsory education law, withholding state moneys for failure to comply with, 137.
contingent expenses, decisions on conclusive, 74.
contracts between school districts for education of pupils, approval of, 124.
deaf and blind, institutions for, duties relating to, 168–69, 170.
district clerk, removal of, 25.
district election disputes, determination of, 64.
district superintendents, appeals from acts of to be taken to, 90.
election disputes, to decide, 90.
examinations in agriculture, to prescribe, 85.
expenses, may audit and allow, 86.
to perform duties of another superintendent when requested by, 89.
may remove from office, 85, 87.
reports, 89.
to report testimony in appeal cases to, 89.
salary, payment of, 86.
may withhold salary, 86.
subject to rules prescribed by, 90.
vacancy in office, duties relating to, 86.
district treasurer, removal of, 25.
Education Department, administration of, 24.
election by regents, 23.
elected without regard to place of residence, 23.
extension of educational facilities, 11.
fines, apportionment of, 156.
forms, preparation of, 24.
Commissioner of education (*continued*)
home making, schools of, supervision, 24.
Indian children, duties regarding, 164, 167.
industrial and trade schools, apportionment for, 127.
supervision, 24.
inspection, duties relating to, 12, 23, 25.
laws, enforcement of, 23.
mechanic arts, schools of, supervision, 24.
normal college, control of, 155.
normal school diploma, annulment, 24.
normal schools, powers and duties, 24, 151, 152.
oaths, power to administer, 24.
office continued, 23.
patriotic exercises, provision for, 144.
penalty for falsely claiming to represent, 157.
physiology law, duties relating to, 143.
pictorial or graphic reproduction, may provide for instruction by, 25.
powers and duties, 23–25.
property to be held in trust for common schools, 117.
question papers for Cornell University scholarships, to direct preparation, 183.
registers, blanks, forms, preparation of, 24.
removals and suspension, 7.
reports from boards of education, to require, 73.
reports to the legislature, 7–8.
of school officers, to require, 26.
of school trustees, to prescribe form of, 58, 59.
responsible for books, records and other property, 24.
responsible for seal, 24.
rules of regents, to enforce, 25.
salary, 23.

Commissioner of education (*continued*)
school commissioner, removal of, 25.
school districts, appeal to from action of meeting altering, 28.
minutes of meeting to organize union school to be filed with, 34.
proceedings of meeting, to be notified of, 36.
supervision, 25.
school libraries, rules regarding, 202.
school library moneys, may withhold, 204.
school meetings, special, may call, 40.
of two or more districts, may order, 33.
school moneys, apportionment, 110–114.
certificate of apportionment, 114.
apportionment of money for nonresident pupils, 113.
apportionment withheld for failure to comply with physiology law, 142.
withholding of, 25.
school neighborhoods, 37–38.
school officers, removal of, 25.
school trustees, removal of, 25.
school-houses, may grant use of for examinations and institutes, 103.
seal, 7.
signature to reports, 7.
special meeting of regents, may call, 10.
suits or proceedings, to enforce decisions of, 158, 159.
superintendent of schools, removal of, 25.
supervision over schools and institutions, 23.
supervisory districts, disputes regarding formation to be determined by, 90.
tax-list, approval of amendment of, 95–96.
teachers, dismissal, 123.
regulations governing, 120.
Commissioner of education (*continued*)
teachers, to keep register of, 24.
salary, may authorize payment in certain cases, 111.
teachers' certificates, to issue, 120.
annulment, 24.
endorsement, 120.
may revoke for refusal to teach physiology and hygiene, 142.
teachers' institutes, duties relating to, 146–47, 148.
teachers' retirement fund, duties relating to, 193–94.
teachers' training schools and classes, apportionment for, 116.
duties relating to, 149.
term of office, 23.
testimony, may take, 10.
trade schools, supervision, 24.
traveling and other expenses, allowance for, 23.
trustee of Cornell University, 24.
trusts, control and supervision, 117.
report of to, 118.
union school district, may authorize meeting to organize, 32.
supervision, 25.
vacancy in office of trustee, to fill, 49.
villages and union free school districts, to determine population of, 70.
visual instruction, provision for, 25.
See also Education Department.
Commissioner, school, *see* School commissioner.
Common school districts, *see* School districts.
Common schools
constitutional provisions, 238.
free to resident pupils, 123.
nonresident pupils, 123.
See also School districts; School meetings.
Comptroller
school moneys, may withhold payment of, 116.
warrants for payments, 114.

Compulsory education, 129–37.
of Indians, 165–68.
Compulsory school age, defined, 6.
Condemnation of land for schoolhouse sites, 106.
Constitutional provisions relating to education, 238–39.
Contingent expenses, 74.
Contingent fund established, 110.
Contracts
between school districts for education of pupils, 124.
for building school-houses, 104.
district superintendent not to be interested in, 87.
for library privileges, 198.
officials not to be interested in, 260.
school trustees not to be interested in, 60.
teachers, 122.
Conveyance of pupils, 45.
Cornell University, 179–87.
commissioner of education, trustee of, 24.
Corporal punishment, 257.
Corporate authorities to levy taxes, 74–75.
Corporations
bequests to, 285–95.
dissolution, 284–85.
incorporation by special act forbidden, 281.
management, 284.
property holding, 283.
receiver, 284–85.
stock, 281, 282–83.
See also Charters.
Costs in actions by or against school officers, 158.
Counterfeiting credentials, 18.
Counties, grants of property to, for common schools, 117.
County clerk
district superintendent, duties relating to election of, 84.
to file trustees' reports and superintendents' abstracts with, 89.
school moneys, certificate of apportionment to, 114.
County clerk (*continued*)
supervisory districts, duties relating to, 82.
County judge, appeal to, 159.
hearing before, 160.
tax for costs in actions, to compel districts to levy, 158, 159.
County law, extract from, 278.
County treasurer
fines, disposition of, 157.
penalty for disobedience to subpœna, to impose, 89.
railroad companies, notice to, of assessment and tax, 97.
payment of tax to, 97.
school moneys, annual report of, 114.
apportionment to be certified to, 114.
payments of, 114.
payments to, statements of, 115.
supervisor's bond, duties relating to, 79.
tax list, transmission to, 98.
taxes, payment to collector, 97–98.
unpaid, collection of, 99.
trustee of unclaimed academy stock, 17.
Course of study
boards of education to prescribe, 67.
district superintendents, duties concerning, 88.
trustees to prescribe in common schools, 56.
Court libraries, 204–17.
Court of appeals
order, regarding admission of attorney, 304.
rules for the admission of attorneys and counsellors-at-law, 305–11.
Court of appeals judges' law libraries, 205.
Court of appeals libraries, 204–5.
Credentials
conferment by regents, 10–11.
for extension work, 11.
fraudulent, 18.

Dannemora, assessment for school purposes of certain state lands in, 100.
Deaf mutes, instruction of, 168–73.
Decedent's estate law, extract from, 285–86.
Decisions, appeals from, 161–62.
Definitions, 5–6.
Degree-conferring institutions, restriction of number, 18.
Degree-conferring power, restrictions, 13.
Degrees
charter restriction, 13.
conferment by regents, 10–11.
issued by institutions of other states or countries, regents may fix value, 11.
protection against fraud, 18.
provisional charter gives no power to confer, 13.
Degrees, honorary, conferment by regents, 10.
Delinquent and dormant institutions
exclusion from university membership, 12.
suspension of charter, 13.
Delinquent libraries, 200–1, 202.
books, 9, 203.
Dental societies, 324–35
Dentistry, practice of, 11, 324–35.
Departments of university, 11–12.
Detention of library or museum property, 200.
Devises, *see* Bequests.
Diplomas
conferment by regents, 10.
conferment restricted, 18.
endorsement, 120.
issued by institutions of other states or countries, regents may fix value, 11.
protection against fraud, 18.
Dissolution
of academies, 14–17.
of corporations, 284–85.
of educational corporations, 14.
school districts, 28–29.
union free school district, restricted, 35.
District attorney, fines, report and payment, 156.
District clerk
duties, 50–51.
election, in common school districts, 43.
forfeiture of amount of moneys lost by neglect, 158.
notice to persons elected, 48.
oath, teachers, taken by, 122.
poll list kept by, 48.
records of dissolved district, deposit of, 31.
removal of, 25.
in each school district, 46.
school meetings, annual, may designate place of, 40.
notice of, 39.
school meetings, special, may call, 40.
school officer, 6.
treasurer's bond, to file, 51.
trustees, may not hold office of, 46.
in union free school district, 52–53.
vacancies in office, how filled, 49.
votes, to record, 63.
District collector, *see* Collector.
District libraries, *see* School libraries.
District meetings, *see* School meetings.
District officers, *see* School officers.
District quota, 110.
district entitled to, 111, 125.
District superintendent of schools, 81–90.
affidavits, may take, 89.
appeal cases, to report testimony in, to commissioner of education, 89.
commissioner of education, subject to rules prescribed by, 90.
election, 83–84.
expenses, allowance for, 86.
may act for another district superintendent, 89.
not to be engaged in other business, 87.

District superintendent of schools (*continued*)
not to be interested in certain business or to accept rewards, 87.
oath of office, 85.
oaths, may administer, 89.
office created, 81.
powers and duties, 87–89, 90.
powers of school commissioners, to hold, 90.
qualifications, 84–85.
removal from office, 87.
disqualifies for reelection for five years, 85.
reports, 89.
salary, 86.
forfeiture of, 86.
subpœnas, power to issue, 89.
supervisory districts, 81–83.
teachers, examination and licensing of, 89.
term of office, 85.
training classes, inspection of, 88.
vacancy in office, 85–86.
how filled, 86.
See also School commissioners.
District treasurer
bond, 44, 51, 53, 119.
compensation, 53.
duties, 51–52.
election in common school districts, 43.
payment of money from gospel funds, 119.
removal from office, 25.
in each school district, 46.
school moneys, disbursements, 77.
payment to, 14.
school officer, 6.
teachers' institutes, payment of expenses, 148.
term of office, 43.
trustees, may not hold office of, 46.
not to draw on for teachers' wages unless record is verified, 122.
union free school district, 53.
vacancy in office, 49.
how filled, 49.
Districts, school, *see* School districts.
Domestic science, *see* Home making, schools of.
Duplicate department of state library, 196.
exchanges, 197.
loans of books from, 201.

Education, boards of, *see* Boards of education.
Education Department, 6–8.
building, 8.
under direction of regents and commissioner of education, 6.
divisions of department, 7.
management and supervision of public schools and educational work of state, 6.
reports to the legislature, 7–8.
seal, 7.
Education fund, 239, 277–78.
Educational associations, incorporation, 13.
Educational institutions
penalties for detention of property, 200.
penalties for injuries to property, 200.
Election day, 112.
Employees of education department
appointment, 7.
removals and suspension, 7.
Employees, state, salaries payable twice each month, 276.
Employment certificates, 267–73.
Employment of children, unlawful, 132, 133, 261–76.
in mercantile establishments, 266–73.
in street trades, 273–76.
Employment of teachers, *see* Teachers.
Endorsement of teachers' certificates and diplomas, 120.
Entomologist, state, member of museum staff, 12.
Enumeration, *see* Census.
Evening schools, 70.
certificate, 134.
required attendance, 130.

Examinations
academic, 11.
Cornell University scholarships, 183.
dental, 328–29.
for extension work, 11.
fraud in, 18.
law, practice of, 299, 305.
medical, 314–17.
nurses, 364.
optometry, 366–67.
pharmacy, 349–52.
physiology and hygiene, 142.
public accountants, 370–71.
regents, law authorizing, 10–11.
state certificate, 120.
teachers, regulations governing, 120.
unlawful acts in respect to, 18–19.
use of school buildings for, 103.
veterinary medical, 338–40.
See also Teachers certificates.
Exemptions from taxation, 239–43.
for building schoolhouse, 94.
Expenditures of school moneys
estimates of, 73–74.
limitation upon, 71.
vote on, 107.
to be by ballot, 45.
Extension of business by institutions, restrictions, 13.
Extension of educational facilities, 5, 11.

Factories, employment in, 261–66.
False personation in examinations, 18.
Fees
for admission to examinations, 11.
collector's, 96.
libraries, assistance to, 201.
supervisor and town clerk in cases of district alteration, 32.
supervisors, 278.
town clerk, 52.
Financial provisions, state finance law, 276–78.
Fines, 156–60.
apportionment, 156.
Fines (*continued*)
compulsory education law, violation of, 132, 133.
for detention of property, 200.
disposition of, 156.
in case of joint district, 157.
examinations, violation of law relating to, 19.
fire drills, neglect of, 145.
Indian children, persons employing unlawfully, 166.
for injuries to library or museum property, 200.
notice of district meetings, failure to serve, 42.
payments on, 115.
report and payment, 156.
teachers, unqualified, payment of, 121.
voters, for false declaration or unauthorized vote, 43.
votes, failure to record, 63.
See also Penalties.
Fire drills, 145.
Fire escapes, 102–3.
Flag, display on school grounds, 144.
Forest, fish and game law, extract from, 296–97.
Forms, preparation of, 24.
Fraud in obtaining credentials, 18.
Fredonia normal school, practice departments in, 153.
Free public libraries, *see* Public libraries.
Fuel, district to furnish, 44.
Funds, 239, 277–78.
See also Public library money; School libraries; School moneys.
Furniture, district to furnish, 44.

General business law, extract from, 370–71.
General construction law, extract from, 255–56.
General corporation law, extract from, 283–85.
General municipal law, extract from, 295.
Geologist, state, member of museum staff, 12.

Gifts
authorized, 286–89.
boards of education, powers, 68.
to corporations, 285–95.
libraries, 198.
conditional acceptance of, 198.
to the state of obligations of another state, 276.
See also Bequests; Trusts.
Globes
district to vote tax for, 44.
loans, 11.
Gospel and school lots, 117–19.
payment of proceeds of sale, 79.
report of supervisor regarding, 118.
supervisors' duties, 78–79.
Gospel funds, apportionment, 118.
Grants, *see* Bequests; School moneys.

High schools, 5.
Higher education defined, 5.
Historical associations, incorporation, 13.
Holidays, 255–56.
schools not to be in session on, 112.
Home making, schools of, 125–29.
authority of board of education over, 127.
estimates and appropriations, 128.
state aid for, 127.
supervision by commissioner of education, 24.
training of teachers, 129.
Hours of labor of minors, 266–67.

Income from trust fund, accumulation of, 291–94.
Incorporation, *see* Charters.
Indebtedness, *see* Bonded indebtedness.
Indian collection, 12.
Indian law, extract from, 296.
Indian reservation, apportionment for teachers, 110.
Indian schools, 163–68.
teachers, 165.
Indians
compulsory education, 165–68.
education in normal schools, 154–55.
Indorsement of teachers certificates and diplomas, 120.
Industrial and trade schools, 125–29.
application of moneys, 128.
estimates and appropriations for, 128.
state aid for, 127.
supervision by commissioner of education, 24.
Industrial training in truant schools, 137.
Injuries to property, penalties, 200.
Insanity law, extract from, 295.
Inspection
of common school, by boards of education, 70–71.
by commissioner of education, 25
by district superintendent, 87.
deaf and blind, institutions for, 168.
industrial and trade schools, 24.
of institutions, authority for, 23.
libraries, 198.
training classes, by district superintendent, 88.
university institutions, 12.
Inspectors of election, 63.
common school districts, 48.
Institutions in university, 12.
Insurance
normal schools, 153–54.
school library, 56, 68.
schoolhouses, 56, 68.
trustees to insure school property, 44.

Joint districts, *see* School districts.
Judge, *see* County judge.
Judgments
taxes for payments of, 57.
for teachers' wages, how satisfied, 45.
Judiciary law, extract from, 298–304.

Kindergartens, 70.

Labor law, extracts from, 261–76.
Lands, state, tax on, 243–45.
Lantern slides, loans, 11.
Law, practice of, 298–311.

Laws repealed, 217–37.
Lecturers, extension, regents may designate, 11.
Legislature, members may borrow from state library, 196.
Libraries, 194–204, 295.
abolition, 202.
branch, 197.
charters, 13, 199.
establishment, 197.
gifts to, conditional acceptance of, 198.
inspection, 198.
museum collections, 198.
neglect, 200–1.
penalties, for detention of books, 200.
penalties, for injuries to property, 200.
property, 198.
subject to return to state, 202.
reports, 197, 199.
state hospitals, 295.
subsidies, 198.
taxes, 198, 199.
transfer, 200.
transfers of books to state library, 197.
traveling, 201.
trustees, 199.
regents may remove, 201.
See also Public libraries; School libraries; State library.
Library commission, 201.
Library fund, 199.
Library school, authority for, 201.
Licenses, protection against fraud, 18.
See also Teachers certificates.
Lincoln's birthday, 112.
observance in public schools, 144.
Liquors sold near schoolhouses, 279.
Loans
for extension work, 11.
from state library, 196, 197, 201.

Manual training schools not entitled to share in grants for industrial schools, 128.
Manuscripts
on file, part of state library, 186.
removal from state library, 196.
transfer to state library, 197.
Maps
district to vote tax for, 44.
loans, 11.
transfer to state library, 197.
Mechanic arts, schools of, 125–29.
authority of board of education over, 127.
estimates and appropriations, 128.
state aid for, 127.
supervision by commissioner of education, 24.
training of teachers, 129.
Medical inspection of school children, 70.
Medical library, 195.
Medicine, practice of, 11, 311–24.
Membership corporation law, extract from, 282.
Memorial day, observance in public schools, 144.
Mercantile establishments, employment in, 266–73.
Messengers, hours of labor, 267.
Military drill excluded from public schools, 144.
Moneys, *see* Library fund; Public library money; School moneys.
Morrisville, state school of agriculture at, 191–92.
Mortgage, sale of site to be taken as security for, 105.
Municipal corporations may establish libraries, 197.
See also Cities.
Museums, 197.
collections, 198.
incorporation, 13.
municipal corporation may establish, 295.
penalties, for detention of property, 200.
for injuries to property, 200.
reports, 199.
See also State museum.

Names, use of name college or university, 18.
Names of institutions, change of, 13–14.
Natural history, extra copies, 196.
Negroes, schools for, 163.
Neighborhoods, school, *see* School neighborhoods.
New York city, payment of school moneys to, 114.
New York State College of Agriculture, 186–87.
New York State Normal College, control of, 155.
New York State School for the blind, 173–79.
New York State Veterinary College, 185–86.
Newsboys, permit and badge for, 273–76.
Night schools, 70.
  required attendance, 130.
Nonresident pupils, apportionment for tuition, 113.
  tuition, 69, 123.
Normal schools, 150–56.
  admission requirements, 152.
  courses of study, 152.
  diploma, 152.
    commissioner of education may annul, 24.
    endorsement, 120.
    qualifies for teaching, 120.
  grants and bequests, 154.
  Indian youth in, 154–55.
  insurance, 153–54.
  local boards, 151, 152.
    defaulting, 152.
  physiology and hygiene, instruction in, 142.
  policemen, special, 153.
  principal, duties relating to physiology law, 143.
  secretary, salary, 151.
  supervision by commissioner of education, 24.
  teachers, 152.
  treasurer's bond, 151.
    salary, 151.
Nurses, registration, 11, 363–65.

Oaths
  commissioner of education may administer, 24.
  district superintendents may administer, 89.
Observatories, trusts for, 287, 290.
Officer of institution, ineligible as regent, 9.
Officers of Education Department
  appointment, 7.
  removals and suspensions, 7.
Officers of university, 9.
Officers, *see also* School officers.
Onondaga nation, wampum keeper, 296.
Optometry, practice of, 11, 365–70.
Organization tax, 282–83.
Orphan schools, 162.
  apportionment to, 110.
Osteopathy, license to practice, 316.

Paid help from state library, 201.
Paleontologist, state, member of museum staff, 12.
Papers, *see* Manuscripts.
Parental relation defined, 5.
Patriotic exercises, 144.
Penal provisions relating to schools and school officers, 257–61.
Penalties
  children, unlawful employment, 133.
  commissioner of education, regents or other school officer, falsely claiming to represent, 157.
  compulsory education law, violation of, 132, 133.
  dental law, violations of, 333–35.
  fire drills, neglect of, 145.
  forfeiture of, for neglect to sue for, 158.
  fraudulent credentials, 18.
  Indian children, failure to send to school, 165.
  for injuries to property, 200.
  medical law, violations of, 323–24.
  notice of school meetings, failure to serve, 42.
  pharmacy law, violations of, 358–61.

Penalties (*continued*)
school officers, refusal to make report, 40–41.
refusal to serve or perform duty, 48.
subpœna, disobedience of, 89.
suits for, 158, 159.
supervisors' refusal to give bond, 80.
teachers, failure to complete contract, 122.
unqualified, payment of, 121.
teachers institutes, failure to attend or close schools, 148.
text-books, law concerning, 140.
trustee, failure to account, 59.
veterinary medical law, violations of, 343–44.
voters, false declaration or unauthorized vote, 43.
See also Fines.
Personal property, bequests other than money or securities exempt, 294–95.
law, extracts from, 286–89, 291–93.
Petitions to commissioner of education, 160–62.
Pharmacy, practice of, 11, 344–63.
Photographs, *see* Pictures.
Physiology and hygiene, 141–44.
examinations in, 142.
instruction of pupils in, 56, 68.
Pictorial or graphic representations, 25.
Pictures
apportionment for, 112.
loans, 11.
Pipe line companies, apportioning valuation, 251.
Poll-list in common school districts, 48.
President of college, ineligible as regent, 9.
Principals
of academies ineligible as regent, 9.
fire drills, to maintain, 145.
Professional schools, 5.
Professions, practice of, 11, 298–371.
Professorships, trusts for, 287, 290.
Property
of abandoned district library, 203.
corporations, 283.
extinct, 14.
library, control by regents, 201.
of transferred library, 200, 203, 204.
subject to return to state, 202.
penalties for injuries to, 200.
school district, consolidated, 31.
to be held in trust for common schools, 117.
See also Gifts; Real property; School property; Taxes; Trustees; Trusts.
Provisional charters, 13.
Public accountants, 11, 370–71.
Public documents part of state library, 196.
Public health law, extracts from, 254–55, 311–70.
Public holidays, 255–56.
Public libraries, 197.
abolition, 202.
advice and instruction from state library, 201.
delinquent libraries, 200–1, 202.
forfeiture of state grants, 201.
formed from school libraries, 200.
free to residents, 199.
gifts to, conditional acceptance of, 198.
incorporation, 199.
municipal corporation may establish, 295.
penalties for detention of books, 200.
for injury to property, 200.
reports, 197, 199.
school library property, transfer to, 203.
taxation, 198, 199.
transfers of books to state library, 197.
trustees, 199.
Public library money, apportionment, 201.
forfeiture of grants, 201.
return to state, 202.

Pupils, 119–23.
See also Children; Nonresident pupils.

Railroad companies
taxation, 96–98.
apportioning valuation, 251.
Reading-rooms, 197.
penalties for detention of books, 200.
for injuries to property, 200.
Real property, acquisition for school purposes, 106.
Real property law, extracts from, 289–291, 293–94.
Receivers of corporations, 14, 284–85.
Record books, teachers responsible for, 121.
Records
boards of education, 73.
copies of, authenticated by seal, 7.
on file, part of state library, 196.
removal from state library, 196.
school officers, district property, 49–50.
Recreation grounds, 68.
Reference books of abandoned district libraries, 203.
Regents
absences, 10.
charters, may grant, 13.
may alter or repeal, 14.
may suspend, 13.
colleges or universities, power to regulate name of, 17–18.
commissioner of education, chief executive officer, 23.
election of, 23.
constitutional provisions, 239.
court of appeals libraries, duties relating to, 205.
defined, 5.
departments, may establish, 11.
dissolution of institutions, powers, 14.
duplicate department, charge of, 196.
election, 9.
examinations, may establish, 10.
Regents (*continued*)
extension of educational facilities, 11.
ineligibility, 9.
inspection of institutions, 12.
institutions in university, powers, 12.
legislative power, 10.
libraries, abolition of, duties regarding, 202.
approval of transfer, 200.
books for, may buy, 201.
charters, may grant, 199.
gifts, approval of acceptance, 198.
property, control of, 201.
reports, to submit, 200.
for state hospitals, 295.
trustees, may remove, 201.
manuscripts and records, to make available, 196.
meetings, 10.
quorum, 10.
no "ex-officio" members, 9.
number, 9, 239.
oath of office, 9–10.
officers, 9–10.
penalty for falsely claiming to represent, 157.
powers, 7, 9.
professions, supervision of, 11.
property to be held in trust for common schools, 117.
receivers, application for appointment of, 14.
rules, commissioner of education to enforce, 25.
may make, 10.
seal, 7.
senior regent, powers in vice-chancellor's absence, 10.
state library, control of, 195.
state normal college, control of, 155.
term of office, 9.
testimony, authority to take, 10.
vacancies in office, 9.
to be reported to legislature, 10.
Registers, *see* School registers.

Registration of institutions, 11.
Religious instruction in theological seminaries, exempt from state control, 10.
See also Sectarian schools.
Reports
board of education to make, 73.
county treasurer to render, 114.
district superintendents, 89.
from university institutions, 12.
failure to report causes suspension, 12–13.
required before sharing in apportionment, 113.
public libraries, 197, 199.
of pupils from other districts, 125.
regulations for making, 24.
school library, 203.
school officers, commissioner of education to require, 26.
state library, 197.
state museum, 12.
trustees, 58–59.
Resignations, district clerk to notify trustees of, 50.
Retirement fund for teachers in state institutions, 193–94.
Rockland county, assessment for school purposes of state lands in, 100.
Rules
regents, commissioner of education to enforce, 25.
regents may make, 10.
violation by institutions, causes suspension, 13.

St Lawrence county, taxation, 251–54.
St. Lawrence University, state school of agriculture, 187–89.
Savings banks in schools, 279–80.
Scholarships, trusts for, 287, 290.
School age, 123, 130.
Indian children, 165.
School authorities defined, 6.
School commissioners
acts may be appealed from, 161.
Arbor day, duties relating to, 146.
School commissioners (*continued*)
boards of education, may call special election, 64.
certification of teachers by, 121.
defined, 5.
districts, 278.
examinations for Cornell University scholarships, duties relating to, 183.
forfeiture of amount of moneys lost by neglect, 158.
physiology law, duties relating to, 142.
property held in trust for common schools, 117.
removal of, 25.
school districts, apportionment of moneys collected by supervisors, 32.
approval of proceedings of meeting to dissolve union school district, 35.
designation of union free school districts, 34.
dissolution and alteration, 28–29.
dissolution or alteration of joint district, 28.
division of union free school districts, 35.
formation, 27.
indebtedness, apportionment of, 30.
meetings, conditional approval of proceedings, 36.
effect of veto of proceedings, 36.
minutes of meeting to organize union school to be filed with, 34.
number and description, 27–28.
school meetings, to give notice of, 39.
special, may call, 40, 41.
school moneys, apportionment of, 115.
certificate of apportionment to, 115.
school neighborhoods, 37.
school officer, 6.

School commissioners (*continued*)
school officers, may accept resignation of, 48.
resignation filed with, 49.
schoolhouses, condemnation of, 103.
estimates of erection, 103–4.
may request use of for examinations and institutes, 103.
supervisory districts, duties relating to, 82.
teachers certificates, may grant and revoke, 121.
teachers institutes, duties relating to, 147.
may order payment of expenses, 148.
training classes, supervision, 149.
trustee, may fill vacancies in office of, 49.
not eligible as, 46.
See also District superintendent of schools.
School directors
compensation, 83.
district superintendents, election of, 83–84.
filling vacancy in office, 86.
election, 83.
oath, 83.
term of office, 83.
vacancies in office, 83.
how filled, 83.
School districts, 26–36.
alteration, 28.
apportionment, 111–12.
boundaries, correcting records of, a district charge, 87–88.
consolidated, property, 31.
consolidation, 29.
contracts with boards of education, in other districts, 124.
dissolution, 28–29.
dissolved district, deposit of records, 31.
sale of property, 31–32.
to exist for finishing business, 31.
existing districts continued, 27.
formation of new district, 27.
formation, re-formation, 29.
School districts (*continued*)
indebtedness, apportionment of, 30.
joint district, dissolution or alteration, 28.
formation, 27.
number, 28.
meetings, 38–45.
number and description of districts, 27–28.
records, books, district property, 49–50.
supervision by commissioner of education, 25.
trust funds, 117.
union school district, reorganization as common school district, 35.
See also District clerk; District quotas; District treasurer; School meetings; School officers; School trustees; Supervisory districts; Union free school districts.
School libraries
abandoned, 203.
apportionment of moneys to, 112.
may be withheld, 204.
authority to raise and receive money for, 203.
district superintendent to advise trustees regarding purchase of books, 88.
establishment, 197.
existing law and rules continued in force, 203.
insurance, 56, 68.
librarian, 69, 202.
property, transfer to free public library, 203.
public libraries formed from, 200, 204.
reports, 203.
tax for establishment of, 44.
transferred, 204.
trustee may not be librarian, 46.
use and care, 202.
School meetings, 38–45.
acts may be appealed from, 161.
annual, of boards of education, 65.

School meetings (*continued*)
of districts re-formed after dissolution, 40.
notice of, 39.
time and place of, 39–40.
in dissolved district, 31.
division of union school district, 29.
duty to attend, 42.
first, notice of, 39.
joint district, special meeting to act regarding dissolution, 28–29.
neighborhood meetings, 37–38.
notice, effect on proceedings if due notice not given, 41–42.
penalty for failure to serve, 42.
schoolhouses, designation of site, 105.
to consider erection of, 103–4.
sale of, 105–6.
special meeting, call by school commissioner, 41.
in common school districts, 41.
in union free school district, 40.
to transact business of annual meeting, 40–41.
taxes, power to vote, 107–8.
text-books, to designate, 140.
union school districts, establishment, 32.
dissolution and reorganization, 34–36.
establishment, proceedings of, 34.
voters, qualifications, 42.
See also Boards of education.
School moneys, 109–16.
apportionment, certificate of, 114.
certifying and paying, manner of, 114.
to cities, academies, academic departments and libraries, 112.
by commissioner of education, 110–14.
conditions for cities and districts, 111–12.
errors corrected by commissioner of education, 111.
for industrial and trade schools, 127.
by school commissioners, 32, 115.
School moneys, apportionment (*continued*)
to union school districts and cities, 116.
when payable, 115.
withheld for failure to comply with physiology law, 142.
boards of education may borrow, 69.
reports on, 73–74.
comptroller may withhold payment of, 116.
custody of, 53–54.
deposit, custody and payment in cities and villages, 71.
disbursement by supervisors, 77–79.
how made, 51.
of dissolved district, 36.
expenditures, estimates of, 73–74.
limitation upon, 71.
vote on, 107.
vote on, to be by ballot, 45.
forfeiture of amount lost by neglect, 157.
issuing order in excess of available funds, a misdemeanor, 60.
liability of collector for moneys lost, 54.
lost or embezzled, tax for, 44.
notice of non-payment, 60.
payment by trustee to successor, 59.
to unqualified teachers prohibited, 121.
proceeds from sale of property of dissolved district, disposition, 32.
supervisor's bond for, 79–80.
report to county treasurer, 80–81.
teachers fund, collector to disburse, 52.
treasurer custodian of, 51.
trustees, report on, 59.
right of action against predecessor, 59.
withheld by commissioner of education, 25.
for failure to comply with compulsory education law, 137.

School moneys, withheld (*continued*)
for noncompliance with law regarding teachers institutes, 148.
See also Bonds; Taxes.
School neighborhoods, 37–38.
apportionment to, 111.
clerk and trustee, duties, 38.
meetings, 37–38.
setting off, 37.
School officers, 45–50.
actions against, 158.
costs in, 158.
expenses in defending suits, tax for, 45.
acts may be appealed from, 161.
contracts, not to be interested in, 260.
defined, 6.
election, 43, 47–48.
oath of office, not required to take, 46.
penal provisions relating to, 257–61.
penalties, neglect to sue for, 158.
for falsely claiming to represent, 157.
for refusal to serve or perform duty, 48.
qualifications, 46.
records, books, district property, 49–50.
removal by commissioner of education, 25.
removed from office, ineligible for one year, 46.
reports required of, 26, 40.
resignation, 48, 49.
term of office, 46–47.
length of, when elected at special meeting, 41.
terms of, in newly created districts, 47.
trustees may not hold office of, 46.
vacancies in office, 49.
how filled, 49.
See also Collector; District clerk; District treasurer; School trustees.
School property
application of funds obtained from sale of, 36.
exempt from taxation, 36.
School record certificate, 133.
School register, verification of, 122.
School trustees, 54–60.
account books, to provide, 57.
actions by, provisions of code of civil procedure, 256–57.
against predecessor, 59.
costs in, 158, 160.
may be appealed from, 161.
apparatus, expenditures for, 57.
application of moneys from gospel funds, 119.
ballot boxes, to provide, 47.
boards of education have powers of, 72.
body corporate, 55.
bonds, issue of, 108.
collector, to deliver bond to, 52.
in default, remedy against, 54.
conclusions of two valid, 55.
condemnation of land, 106.
conferences with district superintendent, 88.
contracts, not to be interested in, 60.
with trustees in other districts, 124.
conveyance of pupils, may contract for, 45.
disbursements, may order, 51.
of teachers' fund, 52.
election, 47, 62.
in common school districts, 43.
fire drill, duties relating to, 145.
fire escapes, construction, 103.
forfeiture of amount of moneys lost by neglect, 158.
ineligibility, 46.
to insure school property, 44.
issuing order in excess of available funds a misdemeanor, 60.
meetings, 55.
See also School meetings.
neglect of duty, 48.
neighborhood trustee, report, 38.
nuisances, abatement, 89.

School trustees (*continued*)
number, 46, 47.
payment to successor, 59.
penalty, for failure to account, 59.
for payment of unqualified teacher, 121.
physiology law, duties relating to, 143.
powers and duties, 55–58.
mode of exercise of, 55.
property held by; 55.
in trust for common schools, 117.
refusal to serve, 48.
removal of, 25.
report of pupils from other districts, 125.
reports, 58–59, 89.
school districts, alteration without consent of, 28.
consent to dissolution, 29.
dissolved, to continue in office to settle unfinished business, 31.
division of union free school districts, 29.
notice of meetings in other than village districts, to give, 33.
to give notice of meeting to organize union schools in two or more districts, 33.
union school district, to call special meeting for organizing, 32.
school libraries, appointment of librarian, 202.
school meetings, annual, may designate place of, 40.
special, may call, 40.
to consider question of building schoolhouses, 103–4.
school moneys, duties relating to, 51.
school officer, 6.
school officers, may fill vacancies in office of, 49.
schoolhouses, abatement of nuisances, 57.
care of, 57.
contract for building, 104.
furniture, 88.
School trustees, schoolhouses (*continued*)
may grant use of for certain purposes, 103.
not to levy tax for unless plans approved by commissioner, 102.
outbuildings, provision for, 104–5.
repairs and appliances, duties concerning, 57–58, 88.
schoolhouses or site, execution of deed for sale of, 105.
to sue for money unpaid upon security, 105–6.
to take security for sale, 105.
sole trustee, powers and duties, 55.
tax list, transmission to county treasurer, 98.
tax list and warrant, delivery to town clerk, 100.
taxation for expenses incurred by, 60.
taxes, for certain expenses, to levy, 160.
suits for recovery of, 98.
teachers, contract with, 122.
relationship to, 123.
teachers institutes, penalty for failure to close school during, 148.
temporary or branch schools, to provide, 57.
terms of office, 46–47, 62.
treasurer to deliver bond to, 51.
vacancies in office, 49.
action in case of, 55.
how filled, 49.
See also Boards of education; School meetings; Taxes.
Schoolhouses, 101–8.
boards of education, powers, 68.
bonds, 107–8, 108–9.
condemnation, 89, 103–4.
custody by trustees, 56.
erection, 102, 103–4.
exempt from taxation, 36.
exemptions from tax for building, 94.
fire escapes, 102–3.

Schoolhouses (*continued*)
fuel, 44, 69.
furniture, 44, 68, 69, 88.
hire, purchase, etc., 44, 68.
insurance, 44, 56, 68.
location, 101.
outbuildings, 104–5.
plans and specifications of new buildings must be approved by commissioner, 102.
property not subject to taxation, 36.
title vested in board of education, 68.
purchase, hire or building by trustees, 56.
repairs, 44, 68, 88.
repairs and appliances, 57–58.
sale of, 68, 105–6.
school district meetings held in, 40.
site, bonds for purchase of, 108.
change of, 105.
condemnation of land for, 106.
designation, 44, 105.
designation without vote, 105.
purchase, 56, 68.
sale of, 68, 105–6.
taxes and bonds, 107.
title to lands, vesting in boards of education, 106.
when owner's consent necessary, 106.
taxes, 44, 102, 104, 107–8.
temporary or branch, establishment, 57.
use, for examinations and institutes, 103.
out of school hours, 103.
waterclosets, 69, 104.
See also Taxes.
Schools, branch, establishment, 57.
Scientific associations, incorporation, 13.
Scientific collections made by museum staff, 12.
of birds, birds' nests and eggs, permit to make collection, 296–97.
Seal of regents and commissioner, 7.
care of, 24.
Secondary education, defined, 5.
Sectarian schools, state aid to, 239.
Sewer systems, colleges may construct, 21–22.
Specimens, transfer to state library or museum, 197.
State certificates
examinations for, 120.
of other states, endorsement, 121.
State finance law, extracts from, 276–78.
State hospitals, libraries for, 295.
State lands, taxes on, 243–45.
State library
advice and instruction from officers, 201.
borrowers, 196.
building, 8.
how constituted, 195.
department of university, 11.
duplicate department, 196.
hours of opening, 196.
loans, 196, 197, 201.
manuscripts and records on file, to receive, 196.
receipts from sales used for, 196.
reports, 197.
subject to regents, 195.
transfers from state officers, 197.
State medical library, 195.
State museum, 295.
building, 8.
collections made by staff, 12.
how constituted, 12.
department of university, 11.
Indian section, 12.
report, 12.
transfers to, 197.
State officers
may borrow from state library, 196.
salaries, payable twice each month, 276.
transfers of books, etc., to state library, 197.
State publications
certain, in regents' charge, 196.
extra copies, 196.
on file, part of state library, 196.
proceeds of sales, 196.
State schools of agriculture, 186–92.

State treasurer, payments of school moneys by, 114.
Statuary, loans, 11.
Stock corporations, 281, 282–83.
dissolution, 14.
Street trades, employment in, 273–76.
Subpœnas, district superintendent to issue, 89.
Subsidies
library, 198.
restrictions of, 239.
Suits, *see* Actions.
Superintendents of schools
certification of teachers by, 121.
examinations for Cornell University scholarships, duties relating to, 183.
physiology law, duties relating to, 142.
removal of, 25.
school officer, 6.
school record certificates, issue of, 133.
schoolhouses, may request use of for examinations and institutes, 103.
teachers schools or classes, supervision, 150.
in villages and union free school districts, 70.
Supervision quota, 110, 111.
Supervisors, 77–81.
bond, for school moneys, 79–80.
refusal to give, consequences of, 80.
costs in actions against, 158.
deaf and blind, duties relating to, 170–71.
decisions may be appealed from, 161.
district superintendents, may increase salary, 86.
duties, 77–79.
fees, 32, 278.
gospel fund, apportionment, 118.
gospel or school lots, report regarding, 118.
property in trust for common schools, 117.
Supervisors (*continued*)
school districts, alteration proceedings, to sit with school commissioner and town clerk, 28.
application of proceeds of sale of property, 32.
sale of property of dissolved district, 31.
school moneys, apportionment, duties relating to, 116.
reports to county treasurer, 80–81.
to sue for money due from school officers, 32.
supervisory districts, duties relating to, 82.
taxes, unpaid, collection of, 99.
levy of, 99.
treasurer to demand money of, 51.
trustee, not eligible as, 46.
trustees not to draw on for teachers wages unless record is verified, 122.
valuation of taxable property, 92–93.
Supervisory districts, 81–83.
disputes regarding formation to be determined by commissioner of education, 90.
Supreme court, control over gifts, grants and devises, 287, 289.
Supreme court libraries, 205–17.
at Binghamton, 211.
Brooklyn, 207.
Buffalo, 214.
Delhi, 212.
Elmira, 212.
Joseph F. Barnard memorial library at Poughkeepsie, 208.
Kingston, 209.
New York, 207.
Newburgh, 208.
Norwich, 213.
Saratoga, 210.
Troy, 216.
Utica, 210.
White Plains, 215.

Tax law, extracts from, 239–54, 282–83, 294–95.

Tax list, 91.
amendments, 95–96.
filing with town clerk, 100.
transmission to county treasurer, 98.
trustee to make out, 56.
Taxes, 90–101, 239–54.
for apparatus and text-books, 44.
appeals on refusal to levy for costs in action, 159.
assessment, 91.
of state lands in Dannemora and Wawarsing, 100.
of vacant land, 93.
banks, 245–50.
boards of education may levy without vote, 74.
certification by trustees of collector's return, 98.
collection, 250.
collector, fees, 96.
jurisdiction of, 95.
notice, 96.
corporate authorities to levy, 74–75.
costs in actions by or against school officers, 158.
equalization within joint districts, 92–93.
exemptions from, 239–43.
tax for building schoolhouse, 94.
levying, vote to be by ballot, 45.
libraries, 198, 199.
nonresident pupils, deducted from charges for tuition, 123.
outbuildings, provision for, 104–5.
paid upon incorporation, 282–83.
persons working land on shares and vendees in possession liable to taxation, 94.
powers of annual and special meetings to vote, 107–8.
property of certain absentee owners, liability of, 94.
to be assessed, 94.
railroad companies, notice to, 96–97.
payment by, 97.
for record book, 44.
Taxes (*continued*)
to replace moneys lost or embezzled, 44.
in St. Lawrence county, 251–54.
school library, 44, 203.
school property exempt from, 36.
schoolhouses, 44, 102, 104.
sites, 44.
state lands, 243–45.
suits for recovery of, 98.
to supply deficiencies, 44.
for teacher's salary, 70.
payment of deficiency in, 45.
to pay judgments on, 45.
tenants' right to charge tax to landlord, 94.
text-books, for purchase of, 140.
transfer tax on devises and bequests, exemptions, 294–95.
trustees, expenses of, 60.
unpaid, collection of, 99.
levy by supervisors, 99.
return by collector, 98.
valuation, ascertainment of, 92.
power of trustees to determine, 92.
vote on, 74, 107.
warrant, for collection of, 94–95.
filing with town clerk, 100.
renewals of, 95.
Teachers, 119–23.
agencies, district superintendent not to be interested in, 87.
of agriculture, mechanic arts and home making, 129.
attendance at institutes, 112, 148.
contract with, 122.
penalty for failure to complete, 122.
dismissal, 123.
employment, 56, 69, 88.
examination and licensing of, 89.
fire drill, to maintain, 145.
fund, collector to disburse, 52.
Indian schools, 165, 166.
for industrial and trade schools, 24.
meetings, called by district superintendent, 88.
physiology and hygiene, examinations in, 142.

Teachers (*continued*)
primary and grammar schools, 120.
qualifications, 119.
quota, 110.
district entitled to, 111, 125.
record of attendance, to keep, 133.
books, 121.
verification of, 122.
registers of, 24.
retirement fund, 193–94.
salaries
apportionment of moneys for, 110, 116.
commissioner of education may authorize payment in certain cases, 111.
expenditures for, 74, 77.
issuing order for in excess of available funds, a misdemeanor, 60.
payments of, 115.
by trustees, 56.
not to be paid until record is verified, 122.
paid for attendance at institutes, 148.
payable as often as monthly, 123.
time of payment in contract, 122.
to unqualified teachers prohibited, 121.
tax for, 45, 57, 70, 74.
school record certificates, issue of, 133.
schools for colored children, 163.
trustees, relationship to, 123.
See also Training schools and classes.
Teachers certificates
commissioner of education to issue, 120.
may annul, 24.
district superintendent may grant, 89.
endorsement, 120.
examination for, 89, 120.
local authorities may issue, 121.
prerequisite to employment, 120.
registers of, 24.
Teachers certificates (*continued*)
regulations governing, 120.
revocation, 24, 89, 121.
for failure to complete contract, 122.
for failure to attend institute, 148.
for refusal to teach physiology and hygiene, 142.
temporary, 120.
Teachers institutes, 146–48.
attendance at, penalty for failure of, 148.
commissioner of education, duties relating to, 146–47, 148.
expenses, payment of, 148.
physiology and hygiene, instruction in, 142.
school buildings used for, 103.
school commissioners, duties relating to, 147.
schools closed during, 148.
Teachers licenses, *see* Teachers certificates.
Technical schools, 5.
Telegraph companies, apportioning valuation, 251.
Telephone companies, apportioning valuation, 251.
Testimony, authority of regents to take, 10.
Text-books, 140–41.
adoption, 88.
boards of education to designate, 68, 140.
changes in, 140.
district to vote tax for, 44.
free, in union school districts, 140.
on physiology, 142.
Theological seminaries, religious instruction in, exempt from state control, 10.
Town clerk, 75–77.
collector's bond, to file, 52.
duties, 75–76.
expenses, 77.
fees, 32, 52.
forfeiture of moneys lost by neglect, 158.

Town clerk (*continued*)
school districts, alteration proceedings, to sit with school commissioner and supervisor, 28.
decision regarding alteration to be filed with, 28.
description and number filed with, 27.
minutes of meeting to organize union school to be filed with, 34.
records of dissolved district to be deposited with, 31.
tax-list and warrant filed with, 100.
Town law, extract from, 278.
Towns
libraries, 197.
property in trust for common schools, 117.
Trade schools, 125–29.
application of moneys, 128.
estimates and appropriations, 128.
state aid for, 127.
supervision by commissioner of education, 24.
Training classes, 149–50.
apportionment for, 116.
inspection by district superintendent, 88.
physiology and hygiene, instruction in, 142.
Transfer of libraries, 200.
Transfer tax on devises and bequests, exemptions, 294–95.
Traveling libraries, 201.
Treasurer, *see* District treasurer.
Truant officer, school officer, 6.
Truant schools, 135.
Truants, arrest of, 135.
in Indian schools, arrest of, 167.
Trust fund, accumulation of income, 291–94.
Trustees
of academy, may dissolve academy, 14.
application for appointment of receivers, 14.
boards of education have powers of, 72.
Trustees (*continued*)
of corporations, 284.
defined, 5.
public libraries, 199.
regents may remove, 201.
school, *see* School trustees.
Trustees of university institutions
absences from meetings, 20.
degrees and credentials, may grant, 21.
election, 20.
executive committee, 19.
ineligible as regent, 9.
meetings, 19.
no compensation, 21.
number and quorum, 19.
officers and employees, 20–21.
powers, 19.
property, control of, 20.
property holding, 20.
removals and suspensions, 21.
rules, may make, 21.
seniority, 19.
term of office, 19.
vacancies, 20.
women eligible, 20.
Trusts for schools, 117–19.
authorized, 286–89.
control and supervision, 117.
limitation of bequest, 285–86.
report of, to commissioner of education, 118.
See also Bequests; Gifts.
Tuition of nonresident pupils, 69, 113, 123.

Union free school districts
apportionment to, 110.
board of education to control, 69.
boundaries, alteration of, 29.
clerk, 52–53.
collector, 53.
consolidation of other districts with, restriction, 29.
deposit, custody and payment of moneys, 71.
dissolution, 29.
restricted, 35.
division, of dissolved district, 35.

Union free school districts, division (*continued*)
of district containing two incorporated villages, 29.
establishment, 32.
industrial and trade schools, 126.
laws applying to, 75.
meeting, regarding reorganization as common school district, 35.
of two or more districts, 33.
number of members of board of education in, 65–66.
proceedings of meetings to form, 34.
school district, for purposes of apportionment, 116.
special meetings, 41.
supervision by commissioner of education, 25.
treasurer, 53.
trustees, 46.
vacancy in office, how filled, 49.
See also Boards of education; School districts; School meetings; School trustees.
Union schools, academic departments, *see* Academic departments.
United States deposit fund, 202.
Universities, 5.
incorporation, 13.
use of name, 18.
University of the state of New York, 5, 8–22.
in constitution, 239.
corporate name and objects, 9.
departments, 11–12.
government, 9.
institutions in, 12.
management and supervision by Education department, 6.
objects, 9.
powers, 9.
reports to the legislature, 7–8.
seal, 7.
use of term, 5.
wampum keeper of Onondaga nation, 296.
See also Education department; Regents.

Vacancies in office
boards of education, 69.
district superintendent, 85–86.
regents, 9.
school director, 83.
school officers, 49.
school trustee, 49, 55.
trustee of university institutions, 20.
Vaccination of school children, 254–55.
report on, 59.
Ventilation of schoolhouses, 102.
Veterinary medicine and surgery, 11. 335–44.
Vice-chancellor of university, 9.
powers, 10.
Villages
deposit, custody and payment of moneys in, 71.
incorporated division of union free school district containing, 29–30.
libraries, 197.
taxes, corporate authorities to levy, 74.
union school districts in, notice of organization, 33.
Visitation of schools, *see* Inspection.
Visual instruction, provision for, 25.
Voters
challenges, 42–43.
penalty for false declaration or unauthorized vote, 43.
powers, 43–45.
qualifications at district meetings, 42.

Wampum keeper of Onondaga nation, 296.
Warrants
for collection of taxes, 94–95.
comptroller's, for payment of school moneys, 114.
filing with town clerk, 100.
Washington's birthday, 112.
observance in public schools, 144.
Waterclosets, 69, 104.

Water-works, colleges may construct, 21–22.
Wawarsing, assessment for school purposes of certain state lands in, 100.
Witnesses, subpœnas to compel attendance of, 89.
Women, district superintendents, 85.
may vote at school meetings, 42.

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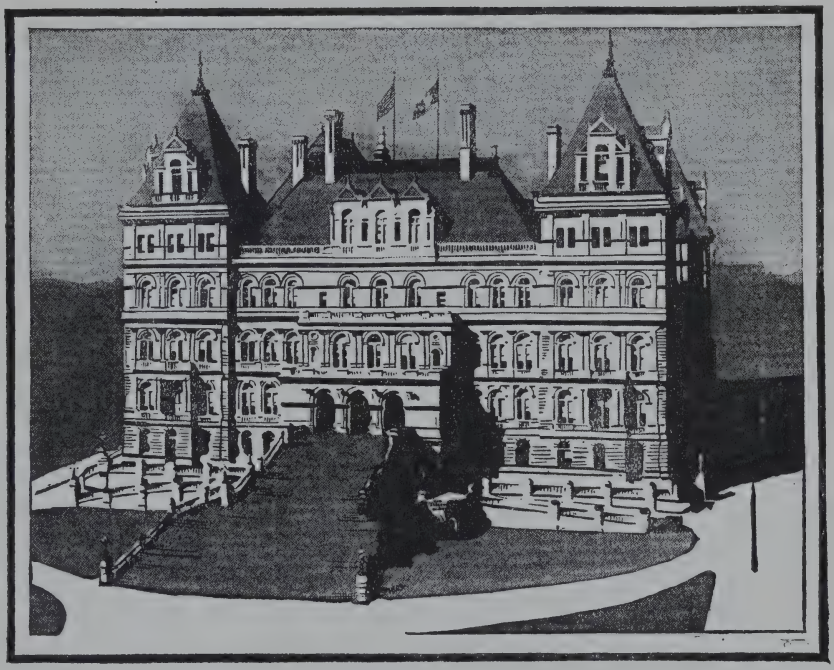

COURSE OF STUDY

AND

SYLLABUS

FOR

ELEMENTARY SCHOOLS

1910

NEW YORK STATE EDUCATION BUILDING

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COURSE OF STUDY AND SYLLABUS

FOR

ELEMENTARY SCHOOLS

1910

This syllabus does not go into effect until the opening of schools in September 1910.

In determining the work of the elementary schools, a six year course has been prepared. This course is general in character and adapted to all children until that period of their development when they manifest different interests, mental powers and tastes, which is usually at the age of 12.

This six year course is followed by an intermediate course of two years covering the usual seventh and eighth grades and rounding out the elementary course. In this two year course the work begins to differentiate. Work is planned which leads to the long established high school courses, to commercial courses and to industrial courses. Certain work previously done in the high school course has been brought down in this two year course to economize the pupils' time, to reduce the pressure and strain under which high school students have labored during their first years in high school and to interest pupils in work which will induce them to remain in school for a greater number of years.

There are therefore the following courses:

I Six year elementary course

II Intermediate course — seventh and eighth years

Thos. E. Finegan

Third Assistant Commissioner of Education

May 1, 1910

I SIX YEAR ELEMENTARY COURSE

ENGLISH

In outlining the course in English, the plan has been to place before the pupils correct models, to secure through imitation correct usage, and to inspire a love for the best in the language.

The course includes the five general subjects:

1 **Reading**
2 **Language and literature**
3 **Grammar**
4 **Spelling**
5 **Penmanship**

FIRST YEAR

Reading

I *Reading.* Words, short sentences, and simple paragraphs read from the blackboard and readers. Phonic exercises. Reading to the pupils. Use of grade library books.

Language

II *Composition.* Conversation based upon pupils' observation, experience and knowledge. Oral reproduction of myths, hero tales, fairy and folk stories, stories of primitive life, and stories of the life of today.

III *Drill* on correct oral and written forms of expression.

IV *Memorizing* choice selections.

Spelling

V Oral and written spelling of words found in the reading lesson.

Penmanship

VI Practice in writing the alphabet, both large and small letters, and in writing and copying simple statements. Encourage writing in large letters. Teach the making of figures.

Children's reading

Primers and first readers from several series and, at least, two books selected from the following list:

Picture books for the youngest pupils

Aesop. Baby's Own Aesop; illus. by Crane

Alexander-Blake. Graded Poetry; First and Second Years

Brooks, L. The Golden Goose Book
Cox, Palmer. The Brownie Primer
Country Friends; pub. by Dutton
Cinderella and Red Riding Hood; pub. by Dutton
Holbrook, Florence. Hiawatha Primer
Howard, T. W. Danbury Cross Books
Grover, E. O. Sunbonnet Babies
——— Overall Boys
Johnny Crow's Garden; pub. by Warne
Lang, Andrew. Nursery Rhyme Book
Lear, Edgar. Nonsense Alphabet
Lansing, M. F. Rhymes and Stories
Scudder, H. E. Verse and Prose for Beginners
Welsh, Charles. Book of Rhymes and Verses
Wiltse, Sara E. Grimm's Fairy Tales
Wiggin & Smith. Pinafore Palace

Selections for study and memorizing

At least six of the following poems should be memorized:

Alexander, Cecil F. All Things Bright and Beautiful
Field, Eugene. Rock-a-Bye Lady
Peabody, Josephine P. Making a House
Rosetti, C. G. Who Has Seen the Wind?
——— O Lady Moon
——— What Does the Bee Do?
Poulsson, Emilie. The Sunbeams
Stevenson, R. L. The Wind
——— Where Go the Boats?
——— Foreign Children
Mother Goose Rhymes

Suggestions to teachers

Reading

I *Reading.* In teaching reading in the primary grades the leading purpose is to secure the mastery of words. The first step in learning to read is to be able to recognize words at sight and at the same time to get the ideas which such words represent. The second step is to secure a ready recognition of groups of words in sentences and simple paragraphs, and a ready interpretation of the thought with the correct oral expression. There should be much

drill to secure distinct articulation, correct pronunciation, and an agreeable tone of voice.

Phonic exercises. Phonic exercises should begin with the separation of spoken words into their elementary sounds and the association of each letter with its proper sound in the word.

Reading to pupils. The teacher should read to the pupils, for their pleasure, to interest them in reading and to furnish models in oral expression.

Use of library books. The children should be encouraged to read the grade library books. As soon as the child feels that the book contains something that he wishes to know, some of the difficulties in teaching are solved, for his self-activities are aroused. The attention of the pupils should be directed to the pictures and the most attractive pages. The reading or reciting of interesting portions will often incite them to read the remainder of the book or selection.

Language

II *Composition.* Pupils should be encouraged to talk freely of things in which they are interested. There are many topics that the teacher may use as material for the language lessons: the literature read and memorized; the facts obtained in nature study; the study of simple pictures; the pupils' games, toys, pleasures and work.

In this oral work the teacher should follow systematically a definite purpose, namely, to form good habits of observation, thought and speech. Pupils can be trained to answer questions in correct sentences; to be coherent in their conversation; to keep to their subject. The oral work of the pupils determines the quality of their written work. During the entire course oral composition should predominate. By such practice the pupils should secure ease, fluency and a fair degree of accuracy.

Reproduction exercises. Myths, fairy stories, folk stories, nature stories and fables may be read or told for reproduction. Not every story told is suitable for reproduction. The short, simple but pointed story with a clear beginning, a related middle and a definite close is best. Further, stories may be dramatized. Children love to act their fairy stories and fables, to represent, for instance, *How the Evergreen Kept her Leaves.* The pupils should compose the dialogue and select the parts with but little help from the teacher. Stories may be illustrated by pencil, brush or crayon.

Copying. Exercises to secure the correct use of capitals and punctuation marks should be selected from the readers and grade library books. The common uses of capital letters, period and interrogation point should be studied in this way.

III *Drill on correct forms of expression.* Common errors of speech should be pointed out and corrected, and drill should be had on the correct use of forms liable to be used incorrectly: (*a*) singular and plural forms of verbs; (*b*) verbs expressing time element. Rules or reasons should not be given but the right practice secured by repetition of the correct form. A correct form of pronouns, nouns and verbs should be substituted for an incorrect form when used by the pupil.

IV *Memorizing.* Children should memorize the poems listed. The poem should be read aloud by the teacher several times. It should be talked over with the pupils and the leading ideas understood. The first stanza of the *Rock-a-bye Lady* announces the coming of the lady with her dreams. The second and third stanzas tell just what dreams she brings and the fourth stanza tells how a child may obtain those dreams. This conversation will call up many associations and prove a valuable help to the memory.

Suggested material for the use of teachers

Baldwin, James. Old Greek Stories
Bryant, S. C. How to Tell Stories to Children
——— Stories to Tell to Children
Field, Eugene. In Lullaby-land
Harrison, Elizabeth. In Story Land
Johonnot, James. Stories of Heroic Deeds
Kennedy, H. A. New World Fairy Book
Litchfield, M. E. Nine Worlds
Skinner, A. W. Selections for Memorizing
Harris & Gilbert. Poems by Grades, pt 1
Stevenson, R. L. Child's Garden of Verses
Wiggin & Smith. Posy Ring
Wilson, *Mrs* L. L. Picture Study in Elementary Schools, pt 1
Books on children's list

SECOND YEAR

Reading

I *Reading.* Reading from blackboard, readers and other books. Sight reading of new combinations of known words and short

selections from the grade library books. Phonic exercises continued. Reading to the pupils. Use of grade library books.

Language

II *Composition.* Conversation based upon pupil's observation, experience and knowledge. Oral reproductions of myths, fairy and folk stories, hero tales, stories of primitive life, and stories of the life of today, told, recited or read by the teacher. Dramatization and illustration of stories. Copying selections from the blackboard, readers and grade library books.

III *Drill* on correct oral and written forms of expression.

IV *Memorizing* selections from literature.

Spelling

V Words from the daily lessons.

Penmanship

VI Careful training in correct forms of letters and figures.

Children's reading

Library books, first and second readers of several series, and, at least, three books selected from the following list:

Adelborg, Ottilia. Clean Peter
Andersen, H. C. Fairy Tales; ed. by Turpin
Alexander-Blake. Graded Poetry; First and Second Years
Baldwin, James. Fairy Stories and Fables
Brown, Abbie F. Pocket Full of Posies
Brooks, Dorothy. Stories of Red Children
Cooke, F. J. Nature Myths and Stories
Dodge, Mary M. Baby Days
——— When Life is Young
Fox, F. C. Indian Primer
H. H. Letters from a Cat
Johonnot, James. Friends in Feathers and Fur
Scudder, H. E. Book of Fables
Smith, M. E. Esquimo Stories
Stevenson, R. L. Child's Garden of Verses
Tileston, *Mrs* **M. W. F.** Sugar and Spice
Turpin, E. H. Classic Fables
Wiltse, Sara E. Folk-lore Stories and Proverbs

Selections for study and memorizing

At least six of the following poems should be memorized:

Bunner, H. C. "One, Two, Three"
Field, Eugene. Dutch Lullaby
Lear, Edgar. The Owl and the Pussy Cat
Larcom, Lucy. The Brown Thrush
Ingelow, Jean. Seven Times One
Houghton, *Lord.* Lady Moon
Peabody, Josephine P. The Journey
Rands, W. B. The Wonderful World
Rosetti, C. G. How Many Seconds in a Minute?
Smith, Samuel F. America
Stevenson, R. L. My Shadow
——— The Swing

Suggestions to teachers

Reading

I *Reading.* In addition to the reading from the regular grade readers, opportunity for easy sight reading should be given.

Particular care should be taken to overcome any hesitancy in the utterance of sounds or words, any clipping or slurring of consonant sounds, and any substitution of one vowel or consonant sound for another. If the pupil has any hesitation in pronouncing a word, the precise difficulty should be ascertained, and the correct sound made. The pupil should then imitate the sound, at first slowly, then drill upon it until it is made easily and correctly. A pure, natural tone should be cultivated in the reading.

Phonic exercises. The work in phonics begun in the first year should be continued.

Use of library books. The pupils should be encouraged to use the grade library books. In order that the pupils may learn to read poetry with pleasure, it is desirable that the teacher read the poems to them first. The meaning of new words should be made clear to the children without the use of the formal definition. In selecting poetry to be read to the pupils, their present interests should be followed and new interests awakened. Interest created by the various holidays, the reasons and observations of nature may be deepened by beautiful poems [*see* Use of library books, first year English, etc.].

Language

II *Composition.* The conversation exercises begun in the first year should be continued [*see* Suggestions to teachers, first year].

The teacher should still aim to secure ease, fluency and order in expression. If the pupils have memorized *The Journey* by Miss Peabody, they will be eager to tell of journeys they have taken and of things they have seen. Such exercises enlarge the vocabulary, and the teacher should make many opportunities for the use of the language of the poems and stories. The efforts of the pupils should not be checked by too great a desire for accuracy.

Reproduction exercises. The reproduction of short, simple stories should be continued. The pupil should be helped to observe what happened first, what next, and next, and next. Finally he may be required to retell the entire story in time order. Various pupils may be allowed to retell a single event and finally the whole story may be told by a single pupil. Stories may be dramatized. The make-believe instinct is strong in children. They live the experiences of the characters they represent. Their power to imagine, to invent and to express is increased and improved. The rough but careful illustration of stories by pencil, brush or crayon may be continued.

Copying selections. Pupils' practice in capitalization, punctuation and spelling should be extended by copying selections from the readers, blackboard and grade library books.

III *Drill.* Correct common errors of speech and continue drill on the correct use of forms liable to be used incorrectly [*see* Suggestions to teachers, first year].

Extend the drill to include capitals: (*a*) first word of every sentence; (*b*) first word of every line of poetry; (*c*) names of persons, places, days, months and seasons. Words I and O.

Punctuation: (*a*) period at end of each direct sentence; (*b*) interrogation point at end of each sentence asking a qustion.

Drill on the correct use of a few of the most common abbreviations, such as the pupils meet in their readers.

Rules and reasons should not be given but the correct practice secured.

IV *Memorizing* choice selections from literature [*see* List of selections].

Spelling

V Oral and written spelling of words dictated from the daily lessons. Drill the individual on the word he misspells.

Suggested material for the use of teachers

Baldwin, James. Fifty Famous Stories Retold
Johonnot, James. Stories of the Olden Time
Kingsley, Charles. Heroes
Poulsson, Emilie. In the Child's World
Scudder, H. E. The Children's Book
Wiggin & Smith. Story Hour
Wiltse, S. E. The Place of the Story in Early Education
Books suggested for the first year
Books on the children's list

THIRD YEAR

Reading

I *Reading* from readers and other books. Sight reading. Phonic exercises and drills. Reading to pupils. Use of grade library books.

Language

II *Composition.* Conversation exercises. Oral reproduction of narratives and simple descriptions. Dramatization and illustration of stories. Copying paragraphs from the blackboard, readers and grade library books. Writing from memory some of the selections copied. Dictation exercises. Letter forms. Picture study.

III *Drill* on correct use of oral and written forms of expression.

IV *Memorizing* selections from literature.

Spelling

V Words from daily lessons and words common to the child's vocabulary.

Penmanship

VI Use of pen. Drills to insure freedom of movement. Drill on letter forms. Copy book.

Children's reading

Library books and, at least, three books selected from the following list:

Alexander-Blake. Graded Poetry; Third Year
Andrews, Jane. Seven Little Sisters

Baldwin, James. Another Fairy Reader
Carryl, C. E. Davy and the Goblin
Demming, E. W. Little Indian Folk
Dutton, M. B. In Field and Pasture
Eggleston, Edward. Great Americans for Little Americans
Goldsmith, Oliver. History of Little Goody Two Shoes; ed. by Welsh
Hopkins, W. J. The Sandman: His Farm Stories
Jacobs, Joseph. Aesop's Fables
Miller, O. T. Little Folks in Feathers and Fur
Morley, M. W. Bee People
Moulton, L. C. Bedtime Stories
Mulock, D. M. Adventures of a Brownie
Peabody, Josephine P. The Book of the Little Past
Richards, Laura. Sundown Songs
——— The Joyous Story of Toto
Roadknights, *Mrs.* Old Fashioned Rhymes
Ruskin, John. The King of the Golden River
Scudder, H. E. Book of Folk Stories
Stockton, F. R. Fanciful Tales
The Little Book of Shops. Grant & Richards
Tileston, M. W. Treasure Trove of Pearls

Selections for study and memorizing

At least six of the following poems should be memorized:

Aldrich, T. B. Marjorie's Almanac
Brooks, Phillips. O Little Town of Bethlehem
Cary. November
Coleridge, S. T. He Prayeth Best
Edwards, M. B. A Child's Prayer
Hogg, James. A Boy's Song
Larcom, Lucy. The Violet
Moore, C. C. A Visit from St Nicholas
Scollard, Clinton. Bobolink
——— "Fraidie Cat"
Vandergrift, Margaret. The Sandman
Columbia, the Gem of the Ocean

Suggestions to teachers

Reading

I *Reading.* The third reader furnishes the basis of work in this year. Supplementary reading must be supplied in sufficient quantities to permit definite and systematic work for a considerable portion of the time.

Phonics. A few minutes each day should be devoted to drill in spelling by sound, distinct articulation and correct pronunciation. Pupils should not be allowed to blend the termination of one word with another or to suppress the final letter or letters of a word when the next word begins with a similar sound.

Only such diacritical marks as are necessary for the work in the reader should be taught.

Reading to pupils. The teacher should read frequently to the pupils from the grade library books. The reading of poetry should be continued. This reading may be used as a basis for language work.

Use of library books. Much of the supplementary reading should be selected from the library books.

Language

II *Composition.* Conversation exercises based upon the pupil's observation, experience and reading. The study of simple, artistic pictures has language and emotional value. The pupil is led to observe, to think and to express his thought. Some pictures may be used as the basis for an imaginary story.

In the third year, the elementary notion that a *paragraph* is a collection of statements, all helping to develop one idea, should be given. By skilful directions from the teacher, the pupil may arrange in logical order his fund of facts upon a definite topic. The pupil must be able to paragraph orally before being asked to write. In this work the pupil should gain ideas of order, connection and grouping.

Reproduction exercises. The reproduction of simple descriptions and stories. Before asking the pupils to reproduce the description, the teacher should lead them to see the picture in the description and to note the arrangement of the material. Not only must the pupils know the events in the story but they must arrange them in their proper sequence. Continue the dramatization and illustration of stories.

III *Drill* on the forms noted in the first and second years should be continued. There should be additional drill on:

Capitals: (*a*) How to write dates; (*b*) persons' full names; (*c*) initials of a person's name; (*d*) titles when applied to definite persons or places; (*e*) terms of the Deity; (*f*) first word of direct quotation.

Punctuation: quotation and exclamation marks; period with all abbreviations.

Extend the drill on the correct use of abbreviations, regular plurals, words often misused as most for almost, the singular and plural of certain verbs, correct use of I, me; he, him; she, her; they, them; simple letter forms.

Give no formal rules. Drill on the correct forms and unfailingly substitute the correct form when the incorrect one is used by the pupils.

IV *Memorizing* selections.

Spelling

V Oral and written spelling of words from the daily lessons. Drill the individual on the correct spelling of words he has misspelled.

Penmanship

VI All written work should be done neatly and legibly.

Suggested material for the use of teachers

Andrews, Jane. Stories Mother Nature Told her Children
Burt, M. E. Poems that Every Child Should Know
Kelly, Myra. Little Citizens
Lang, Andrew. Blue True Story Book
——— Blue Fairy Book
Mabie, H. W. Norse Stories
Pratt, Mara L. Stories of Colonial Children
Scudder, H. E. Book of Legends
Wiggin & Smith. Golden Numbers
Books for teachers in preceding years
Books on children's list

FOURTH YEAR

Reading

I *Reading* from readers and other books. Sight reading. Silent reading. Phonic exercises and drills. Reading to pupils. Use of grade library books.

Language

II *Composition.* Oral and written reproductions of stories and descriptions. Explanation of simple processes. Paragraphing. Picture study. Letter forms.

III *Drill* on correct oral and written forms of expression. The formulation of simple rules of good usage based upon the pupils' practice.

IV *Memorizing* selections from prose and poetry.

Spelling

V Words from the daily lessons and words from the spelling book.

Penmanship

VI Drills to insure freedom of movement. Drill on letter forms. Copy book.

Children's reading

Library books and, at least, three books selected from the following list:

Alexander-Blake. Graded Poetry; Fourth Year
Andersen, H. C. Fairy Tales; trans. by Stickney
Baldwin, J. Thirty More Famous Stories Retold
Bayliss, C. K. Lalomi, The Little Cliff Dweller
Brown, Abbie F. Lonesomest Doll
Browne, F. Granny's Wonderful Chair
Carroll, Lewis. Alice's Adventures in Wonderland and Through the Looking Glass
Carter, M. H. Stories of Brave Dogs
Eggleston, E. Stories of American Life and Adventure
Grimm's Household Stories; trans. by Crane
Harris, Joel C. Little Mr Thimblefinger
Hawthorne, Nathaniel. Wonder Book
Jacobs, Joseph. English Fairy Tales
Judd, Mary C. Wigwam Stories
Kingsley, Charles. Water Babies
Kipling, Rudyard. Just So Stories
Lear, Edgar. Nonsense Songs
Lansing, M. T. Life in the Greenwood
Mulock, D. M. Little Lame Prince
Musset, Paul de. Mr Wind and Madam Rain
Otis, James. Toby Tyler

Peary, *Mrs* J. D. The Snow Baby
Pyrnelle, *Mrs* L. C. Diddie, Dumps and Tot
Scudder, H. E. Seven Little People
Ward, *Mrs* H. Milly and Olly

Selections for study and memorizing

At least six of the following poems should be memorized:

Alfred, *Lord* Tennyson. Sweet and Low
Allingham, William. Fairy Folk
Field, Eugene. The Night Wind
Gould, H. F. Jack Frost
Jackson, H. H. September
Longfellow, H. W. The Village Blacksmith
——— The Children's Hour
Miller, Emily H. The Bluebird
Macdonald, George. The Wind and the Moon
Scollard, Clinton. Jim Crow
Thaxter, Celia. The Sandpiper
Whittier, J. G. The Barefoot Boy
Wordsworth, William. Lucy Gray

Suggestions to teachers

Reading

I *Reading.* The fourth reader furnishes the basis of work in this year. Sufficient supplementary reading should be furnished, much of which may be selected from the grade library books. To secure proper study of the lesson, the teacher should require preparation on these points:

1 Statement of what lesson contains.

2 Meaning of new words determined from context of the lesson.

3 Drill on pronunciation of new and difficult words.

4 Oral reading of lesson in the preparation.

Oral reading, however, rather than recitation on the foregoing topics should be made the test of preparation. Silent reading and the substance of the reading stated orally is valuable practice.

Phonics. Pupils should be taught the use of the dictionary in finding the pronunciation and meaning of new words. The drill in articulating difficult combinations of sounds should be

continued. The exercises for vocal drill, usually found in the readers, should not be neglected.

Use of library books. To lead the children to use the books, the teacher must know the books and enjoy using them. He must be quick to turn to the library for apt information, illustration or inspiration. The teacher's enthusiasm will be contagious. An occasional period set aside for the purpose of talking over with the children what they have read may be very valuable. At such a time the teacher may discover the interests of the pupils and more effectively direct further reading.

Language

II *Composition.* Oral and written reproductions of narratives, descriptions, and explanation of simple processes should be continued [*see* Suggestions to teachers, third year]. The teacher should continue the work in paragraphing. The pupil may study the paragraphs in the readers or library books to determine the topic discussed and to note the order and relation of sentences. Copying, writing and memorizing a few good paragraphs will help the child in his work. To aid the pupil in arranging his own material for two or three connected paragraphs, the teacher will suggest devices similar to the following:

Water

1 Where water comes from: clouds, springs, brooks, creeks, rivers, wells, ponds, lakes, ocean.

2 Forms of water: rain, dew, snow, frost, hail, ice, clouds, fog, steam.

3 Uses of water: drinking, bathing, cleaning, cooking, transportation, operation of machinery.

Story work. In many of the stories, the story or plot is not the most important thing. There are characters which ought to be made real to the pupils. In studying the character in the story the following things should be noted: his appearance, what he says, what he does, and what he holds as his ideals.

III *Drill* on correct use of capitals, punctuation, abbreviations, formation of plurals, words often misused, forms of verbs expressing time element, singular and plural forms of verbs, case forms of pronouns as outlined in the first three years [*see* Drill, first, second and third year English].

Extend the drill to include punctuation: Comma, (*a*) to separate words in a series; (*b*) preceding a direct quotation; (*c*) after yes,

no, if followed by a sentence; (*d*) to set off name of a person addressed.

Drill on correct use of common contractions, possessive singular and plural, regular plurals, letter forms.

A few simple rules *based upon the pupils' practice* should be so often stated and referred to in the pupils' reading and language work, that they become a part of their knowledge of facts concerning correct usage of forms [*see* outlines for drill on certain correct oral and written forms for the first, second and third years].

IV *Memorize* selections from literature. The poems learned in lower grades should be recalled and used in new relations. When Macdonald's *The Wind and the Moon* is taught, recall *The Wind* of Stevenson or Rosetti's *Who Has Seen the Wind?* The pupil will see the old poem in a new light and appreciate it more deeply [*see* List of selections].

Spelling

V Oral and written spelling of words from the spelling book, and words in daily use.

Penmanship

VI Particular attention should be paid to the *form* of written work on the blackboard as well as on the page. Drill on letter forms.

Suggested material for the use of teachers

Baldwin, James. Story of Siegfried
——— The Golden Fleece
Clarke, M. Arabian Nights
Farrington, E. V. Tales of King Arthur
Johonnot, James. Stories of Other Lands
Pyle, Howard. Wonder Clock
Sherman, F. D. Little Folk Lyrics
Wilson, G. L. Myths of the Red Children
Books for teachers in preceding years
Books on children's list

FIFTH YEAR

Reading

I *Reading* from readers and other books. Use of dictionary and books of reference. Use of grade library books.

Language

II *Composition.* Oral and written reproductions of narratives and descriptions. Explanation of simple processes. Simple oral and written compositions from outlines. Paragraphing continued. Letters. Picture study.

III *Drill* on correct oral and written forms of expression. Study of simple declarative sentences; subject, predicate and modifiers distinguished. Rules for capitals and marks of punctuation formulated and learned.

IV *Memorizing* selections from prose and poetry.

Spelling

V Words from daily lessons and from the spelling book.

Penmanship

VI *Writing* from dictation and the copy book.

Children's reading

Library books and, at least, three books selected from the following list:

Alexander-Blake. Graded Poetry; Fifth Year
Baldwin, James. Hero Tales Told in School
Brown, Abbie F. In the Days of Giants
Bull, J. B. Fridtjof Nansen
Burnett, F. H. Little Lord Fauntleroy
Church, A. J. The Iliad for Boys and Girls
——— The Odyssey for Boys and Girls
Defoe, Daniel. Robinson Crusoe; illus. by Smith
Dodge, Mary M. Hans Brinker
Du Chaillu, P. B. Wild Life under the Equator
Eastman, C. A. Wigwam Evenings
Hale, L. P. Peterkin Papers
Harris, J. C. Uncle Remus
Hawthorne, Nathaniel. Tanglewood Tales
Jenks, A. E. The Childhood of Ji-shib the Ojibway
Kipling, Rudyard. The Jungle Books
Lang, Andrew. Story of Joan of Arc
——— Tales of Troy and Greece
Long, W. J. Secrets of the Woods
Miller, O. T. Second Book of Birds

Munroe, Kirk. Flamingo Feather
Page, Thomas N. Two Little Confederates
Pyle, Howard. King Arthur and his Knights
——— Merry Adventures of Robin Hood
Pyle, Katherine. Nancy Rutledge
Seton, E. T. Wild Animals I Have Known
Stoddard, W. B. Little Smoke
Scollard, Clinton. Boy's Book of Rhymes
Spyri, J. Moni, the Goat Boy
Wyss, J. R. Swiss Family Robinson
Wiggin & Smith. Golden Numbers

Selections for study and memorizing

At least six of the following poems should be memorized:

Alfred, *Lord* **Tennyson.** The Brook
Bryant, W. C. Robert of Lincoln
Björnson, B. The Tree
Carlyle, Thomas. To-day
Holmes, Oliver W. Old Ironsides
Jackson, H. H. October's Bright Blue Weather
Longfellow, H. W. The Ship of State
——— The Builders
Payne, John H. Home, Sweet Home
Pierpont, John. Warren's Address
Shakspere, William. Lullaby for Titania
From *Midsummer Night's Dream.*
Swett, Susan H. The Blue Jay

Suggestions to teachers

Reading

I *Reading.* The fifth reader furnishes the basis of work in this year. The lessons in reading should be carefully prepared by the pupils under the direction of the teacher. Practice in the oral reading of the lesson should be continued to secure easy, forcible, intelligent and expressive reading. Careful attention should be given to the emphasis and inflection and to the tone of voice.

Use of the dictionary. Pupils should be taught to use the dictionary and the various appendixes, as well as other books of reference.

Use of library books. Library books should be more and more freely used and the pupils given an opportunity to discuss what they have found interesting and enjoyable.

Language

II *Composition.* Oral and written reproductions of narrations, descriptions, character portrayals, and expositions should be continued [*see* Outline for work in reproduction in the third and fourth years]. The material for reproduction should be in larger units and arranged in better order.

Outlines constructed in the presence of the class should be placed upon the blackboard and their purpose made clear. Pupils should compose orally from these outlines before writing.

Simple oral and written compositions. These exercises should grow out of the personal experience and interests of the pupils. Nature study, literature, picture study, history, geography, events and conditions of local interest will furnish many topics. Pupils must be helped to organize their material. An account of the early explorations demands that events be related in time order. The work in geography demands descriptive writing. The pupil may describe the homes of strange peoples, the journeys made by sledge or mule team. The teacher's problem is to select from the abundance of material and to aid the pupil to so arrange it that he gains in power to think and to express his thoughts.

Story work, based upon pupils' reading of grade library books, should be continued [*see* Suggestions for story work in the fourth year]. The character study should be extended to cover the following topics: the appearance of the character, what he does, what he says, how other characters in the story feel toward him, how he feels toward other characters, and what the character loves best. In many stories there are portrayed ways of living which will take the pupils out into the world and let them see in imagination how other people live.

In studying the life in the story the following things which go to make up the life of any people should be noted: dress and appearance of characters, homes, food, occupations, amusements.

Paragraphing [*see* Suggestions for paragraphing in the fourth year].

III *Drill* on punctuation, capitalization, abbreviations, homonyms, words often misused, and verb forms [*see* Suggestions to teachers

for preceding years]. Extend the drill to include punctuation; quotation within a quotation.

Drill on the sign of the possessive with nouns and pronouns, formation of plurals of nouns, of figures, of proper nouns, the nominative and objective forms of the following pronouns: I, we, he, she, they and who; also the possessive form of it.

Drill the individual in the particular practice he needs as shown in his oral and written work.

Drill upon business letters and business forms.

Begin the study of simple declarative sentences and teach the modified or complete subject and predicate.

Rules for capitalization, and marks of punctuation based upon previous practice should be learned and applied, and new rules of good usage based upon this year's practice formulated.

IV *Memorizing* selections from prose and poetry [*see* List of selections].

Spelling

V Words from daily lessons and from the spelling book. Drill on the correct spelling of misspelled words.

Penmanship

VI In copy book. Paragraphs from dictation. Drill on exercises to insure freedom and rapidity of writing.

Suggested material for the use of teachers

Davis, Mary H. Chinese Fables and Folk Stories
Field, Eugene. Love Songs of Childhood
Guerber, H. A. Legends of the Middle Ages
Hawthorne, Nathaniel. Wonder Book
Harris & Gilbert. Poems by Grades, pt 2
Matthews, Brander. Poems of American Patriotism
Perry, W. C. The Boy's Iliad
——— The Boy's Odyssey
Pyle, Howard. King Arthur and his Knights
Wilson, *Mrs* **L. L.** Picture Study in Elementary Schools, pt 2
Books for teachers in preceding years
Books in children's list

SIXTH YEAR

Reading

I *Reading* from readers and other books. Appreciative reading of selections from standard literature. Uses of dictionary and books of reference. Use of grade library books.

Language

II Model narrations, descriptions and expositions studied and imitated in original work. Oral and written compositions based upon outlines made by the pupil under the direction of the teacher. Study of the paragraph.

III *Drill* on correct oral and written forms of expression. Rules for punctuation reviewed.

IV *Memorizing* selections from prose and poetry.

Grammar

V Study of simple sentences: classification of sentences as to use — declarative, imperative, interrogative. Subject and predicate, subject word, predicate verb; parts of speech distinguished and definition of each learned. Classification, inflections and syntax of nouns and pronouns. Parsing.

Spelling

VI Words from daily lessons and the spelling book. Study of stems, prefixes and suffixes. Synonyms.

Penmanship

VII Writing from dictation and in the copy book.

Children's reading

Library books and, at least, three books from the following list:

Alexander-Blake. Graded Poetry; Sixth Year
Alcott, L. M. Little Women
——— Little Men
Aldrich, T. B. Story of a Bad Boy
Aanrud, H. Lisbeth Longfrock
Arabian Nights' Entertainment; ed. by Wiggin & Smith

Burroughs, John. Squirrels and Other Fur Bearers
Eggleston, Edward. The Hoosier School-Boy
Frost, W. H. Knights of the Round Table
Grant, Robert. Jack Hall
Jewett, Sara O. Betty Leicester
Johnson, Rosseter. Phaeton Rogers
Macdonald, George. Light Princess
McDougall, Isabel. Little Royalties
Miller, Joaquin. True Bear Stories
Monroe, Kirk. Campmates
Nicolay, Helen. The Boys' Life of Abraham Lincoln
Patterson, A. J. The Spinner Family
Richards, Laura. The Golden Windows
Schwatka, F. Children of the Cold
Seawell, M. E. Little Jarvis
Spyri, J. Heidi
Stevenson, Burton. The Young Section Hand
——— The Young Train Despatcher
——— The Young Train Master
White, S. E. The Magic Forest
Wiggin, K. D. The Story of Patsy
——— Birds' Christmas Carol

Selections for study and memorizing

At least six of the following poems should be memorized:

Aldrich, T. B. Before the Rain
Bennett, H. H. The Flag Goes By
Browning, Robert. Year's at the Spring
Emerson, R. W. The Concord Hymn
Lowell, J. R. The First Snowfall
Perry, Nora. The Coming of Spring
Read, Thomas B. Sheridan's Ride
Shakspere, William. Puck and the Fairy
From *Midsummer Night's Dream.*
——— The Quality of Mercy
From *Merchant of Venice.*
Sherman, Frank D. May
Swett, Susan H. July
Wolfe. Burial of Sir John Moore

Suggestions to teachers

Reading

I *Reading.* Advanced readers should form the basis of work in this grade. These should be supplemented by the appreciative reading of selections made by the teacher from standard literature. Some of these selections may be made by the pupils as well as by the teacher. A beautiful or vivid description, a fine characterization, an interesting narrative, or a bit of literature which has appealed to the child's emotional nature, should be the material selected. There is a distinct value in having each pupil responsible for his own selection, and the bringing together of a great number of different selections will broaden the pupils' knowledge of literature. The other members of the class should be required to listen to the one reading. This will not only train them in attention, but will afford a satisfactory test of the reader's ability to make himself understood, and of his power to give the thought to the listeners.

Use of the dictionary, encyclopedias and other books of reference continued.

Use of library books. Library books should be freely used. The teacher and pupils should turn to the library books for subject-matter for reading and for the language work [*see* the subject of reading this year].

Language

II *Composition.* The work in oral and written reproductions should be continued. The best possible material for the purpose should be selected, for the object of the reproduction is to present the ideal in form which the pupil unconsciously imitates. The units for reproduction should gradually grow larger, and the demand for well arranged details in the reproduction increase.

In dealing with these larger units closer attention must be given to the logical arrangement of the material in the piece of literature to be reproduced. Simple outlines placed upon the blackboard by the teacher will aid the pupils to get the thought as a whole and in its parts. For instance take the narrative, *The Bell of Atri* by Longfellow:

1 The good service the horse gave his master
2 His master turns him into the street
3 The sufferings of the horse
4 He rings the bell

5 The gathering of the townspeople and their expressions of pity

6 The decree of the Syndic

7 The good the bell may do in the future

Story work. The work in stories outlined in the fourth and fifth years should be continued. The assignment of the reading and the work to be prepared should be definite and clear. The demands of what is to be prepared should follow the lines laid out in the two previous years.

Oral and written composition. The work should be continued as in the preceding year. The oral work should exceed in amount the written work. More and more the pupil should be made to feel that good use of language is not a mere matter of recitation in the English class. The pupil should be trained to correct his own errors. Those that are general may be considered in the class. Those that are individual should be considered with the individual. Errors of structure should receive most attention. A phrase or a clause should not be written as a sentence. A clause should not be left unsuspended, neither should two or more sentences be written as one sentence. The paragraph should be tested to determine if the sentences do refer to the topic; if they are logically arranged; if the thought is connected, clear and complete.

III *Drill.* Drill constantly on the correct use of oral and written forms which are violated by the pupils. Continue the drill outlined for the previous year [*see* Drill in suggestions for teachers, fifth year], and extend the drill to include plurals of compound nouns, comparsion of adjectives and adverbs, and synonyms.

IV *Memorizing* selections from poetry and prose [*see* List of selections].

Grammar

V During this year, the student should learn to distinguish the various parts of speech: the noun, the pronoun, adjective, verb, adverb, preposition, interjection and conjunction.

He should not enter into a detailed study of all the parts of speech, but should be led to see that words perform distinct offices in sentences and that they are divided into classes according to the offices which they perform.

The parts of speech

1 Noun

a Definition or test

b Classes: common, proper
c Inflection
Gender: masculine, feminine, neuter
Ways of expressing gender
Drill on correlatives in gender
Person: first person, second person, third person
Number: singular, plural
Different ways of expressing number
Drill on irregular plurals and plurals of compound words
Case: nominative, possessive, objective
Nominative case
1 Subject of a verb
2 Direct address or exclamation
3 Predicate noun or in apposition
4 Nominative absolute
Possessive case
Formation of possessives
Drill on formation of possessives
Objective case
1 Object of a verb
2 Used with prepositions
3 Indirect object

2 Pronoun
a Definition or test
b Classes: personal, relative, interrogative, adjective
Prsonal pronoun: declension of personal pronouns
Drill on use
Relative pronoun: antecedent — relative clause
Practice in picking out and constructing relative clauses
The complex sentence
Drill on use of *who, which, that*
Interrogative pronoun: drill on use of questions, as *To whom are you speaking?*
Adjective pronoun: drill on use of *this* and *that*

3 General review: gender, person, number and case as applied to pronouns

Spelling

VI In addition to work outlined drill the individual upon the correct spelling of words he spells incorrectly.

Penmanship

VII Writing in the copy books. Drill to insure freedom of movement. Writing readily, rapidly and legibly from dictation.

Suggested material for the use of teachers

Bates, Katherine Lee. Ballad Book
Bulfinch, Thomas. Age of Fable
——— Age of Chivalry
Guerber, H. A. Story of the Romans
——— Story of the Greeks
Pyle, Howard. Men of Iron
Riley, James W. Book of Joyous Children
Tileston, *Mrs* **M. W. F.** Children's Treasure Trove
Books for teachers of fifth grade
Books on children's list

ARITHMETIC

Suggestions

The work in arithmetic should, first of all, produce accuracy and rapidity in computation. Accuracy can be assured only by holding the pupil to exactly correct results from the beginning. Pupils should be held to correct results and made to detect and correct even the slightest error.

Rapidity of computation can be secured only through much practice and drill. Throughout the first three years of the work the entire time in the subject should be given to securing this accurate and rapid work in the fundamental operations.

While drill in the facts of number during the early grades should be largely in the abstract with few if any problems, it is suggested that some concrete work in these combinations be given. Illustration: 5 dollars and 4 dollars are how many dollars?

FIRST YEAR

First half

Count numbers to 100.

Read numbers to 100.

Write numbers to 100.

Memorize the 20 of the 45 combinations in addition, the sum of which does not exceed 9.

Table of 45 combinations for teachers' use

	1	2	3	4	5	6	7	8	9
1	2	3	4	5	6	7	8	9	10
2		4	5	6	7	8	9	10	11
3			6	7	8	9	10	11	12
4				8	9	10	11	12	13
5					10	11	12	13	14
6						12	13	14	15
7							14	15	16
8								16	17
9									18

Suggestions. Take these combinations, the sum of which does not exceed 9, from the table and place them upon the blackboard in plain view of the pupils as follows:

1	2	3	4	5	6	7	8
1	1	1	1	1	1	1	1
—	—	—	—	—	—	—	—
2	3	4	5	6	7	8	9

2	3	4	5	6	7
2	2	2	2	2	2
—	—	—	—	—	—
4	5	6	7	8	9

3	4	5	6
3	3	3	3
6	**7**	**8**	**9**

4	5
4	4
8	**9**

Give plenty of oral drill together with seat work and blackboard work like the following:

2	5	3	4	2	7
4	2	2	4	4	1

2	1	2	3	2	3	7	5	1	2	6
6	8	5	2	3	4	2	3	7	3	2

and have pupils get correct results by copying, where necessary, the results from the combinations placed upon the blackboard. This work together with oral drill and tests will in a short time fix these combinations in mind without the use of objects and the consequent formation of the pernicious habit of counting the fingers in adding.

From the first, drill in these combinations should be given in such manner as to prepare for subtraction as well as addition.

ILLUSTRATION

Teacher — Five-four?
Pupil — Nine.
Teacher — Five and what are nine?
Pupil — Five and *four* are nine.
Teacher — Four and what are nine?
Pupil — Four and *five* are nine.

When the combinations are learned in this manner, the work in subtraction, if taught by the Austrian method (sometimes called the addition method), is learned at the same time as addition.

ILLUSTRATION

8	7	6	3	**9**
— 4	2	3	1	6

METHOD

6 and 3 are 9.
1 and 2 are 3.
3 and 3 are 6.
2 and 5 are 7.
4 and 4 are 8.

At the close of the first half year pupils should be able to count, read and write numbers to 100. They should know the 20 combinations, the sum of which does not exceed 9 and their use in addition.

Objects should be used only for consecutive counting and developing the idea of number in the abstract. Children should never be taught to count two groups of objects to find the sum. This gives the idea that addition is counting, which is a serious hindrance to accuracy and rapidity in work. Nothing has done more injury in number work than the too long continued and injudicious use of objects in its teaching.

Second half

Continued drill in addition and subtraction with the 20 combinations learned in the first half.

Count to 100 by 2's, by 5's, by 10's.

Drill in adding columns of figures on board and cards arranged for this purpose, the sum not to exceed nine.

ILLUSTRATION

3	4	4	3	2
2	3	2	2	1
1	2	1	1	4
—	—	—	2	1
			—	—

Memorize the remaining 25 combinations in addition.

Suggestion. First place these combinations upon the blackboard as follows:

9	8	9	7	8	9	
1	2	2	3	3	3	
—	—	—	—	—	—	
10	10	11	10	11	12	

6	7	8	9	5	6	7	8	9	
4	4	4	4	5	5	5	5	5	
—	—	—	—	—	—	—	—	—	
10	11	12	13	10	11	12	13	14	

6	7	8	9	7	8	9	8	9	9
6	6	6	6	7	7	7	8	8	9
—	—	—	—	—	—	—	—	—	—
12	13	14	15	14	15	16	16	17	18

Give oral drill, seat and blackboard work in plenty with examples like the following:

6 8 4 5 3 2 4	8 6 9 3 4 5
4 3 8 6 9 7 8	1 2 4 5 8 8

Children are here taught to carry in addition.

Method. Teach the very best model, insist upon its exact imitation and much repetition and drill. Make no attempt to explain the process. This is the time to teach the art of computation, not the science of numbers.

SECOND YEAR

First half

Continued drill in the use of the 45 combinations in addition and subtraction.

Drill on series work in addition.

ILLUSTRATION

2	12	22	32	42	52	
5	5	5	5	5	5	etc.

Continue drill by counting by 2's, 3's, 4's, 5's.

ILLUSTRATION

Count to 50 by 2's beginning with 0, beginning with 1.

Count to 50 by 3's beginning with 0, beginning with 1, beginning with 2.

Count to 50 by 4's beginning with 0, beginning with 1, beginning with 2, beginning with 3 etc.

Drill in subtraction — Austrian method.

ILLUSTRATION

1235	6 and 9 are 15.
— 786	9 and 4 are 13.
449	8 and 4 are 12.

The entire time of this half year should be given to use and drill of the facts of number learned as here specified. By the

close of the period simple numbers will be added and subtracted with accuracy and facility and much progress made in the addition of columns of figures.

Second half

Notation and numeration of numbers through first three periods.

Continued drill in addition and subtraction, especially in the addition of columns.

Memorize the 45 combinations in multiplication.

Table of combinations in multiplication

	1	2	3	4	5	6	7	8	9
1	1	2	3	4	5	6	7	8	9
2		4	6	8	10	12	14	16	18
3			9	12	15	18	21	24	27
4				16	20	24	28	32	36
5					25	30	35	40	45
6						36	42	48	54
7							49	56	63
8								64	72
9									81

Teach these combinations so that preparation is given for division at the same time that multiplication is being taught, that is, have the pupil answer the questions, how many 6's in

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24 and how many 4's in 24 as well as to state that 4 times 6 are 24.

Give much oral drill, seat work and board work of the following character:

326453	86245	20	30	40	50	60
2	3	2	3	4	5	6

Teach the process of carrying in multiplication.

Method. (1) A good model. (2) Imitation of the model. (3) Repetition, drill. (4) *No explanation.*

THIRD YEAR

First half

Continue drill in counting. Count by 5's to 100 beginning with 0, beginning with 1, beginning with 2, beginning with 3, beginning with 4. Count by 6's, beginning with each of the numbers from 0 to 5 inclusive.

Short division with 2, 3, 4, 5, 6, 7, 8 and 9 as divisors. Give thorough and systematic oral drill as a preparation for this work. Before asking a child to use 2 as a divisor, he should be able to tell instantly how many times, with remainder, 2 is contained in every number to 20. When 3 is used as a divisor, a similar drill should be given in numbers to 30, with 4 to 40, with 5 to 50, with 6 to 60, with 7 to 70, with 8 to 80, with 9 to 90.

Multiplication with two or more figures in the multiplier.

Definitions of terms used in fundamental operations. Addend, sum, minuend, subtrahend, remainder, multiplicand, multiplier, product, dividend, divisor, quotient.

Continue drill of all previous work.

Measures — areas of simple figures with use of ruler correlating with drawing. Dimensions used inch and foot. Square inch and square foot, and the fractions $\frac{1}{2}$ and $\frac{1}{4}$ as applied in the use of the linear unit used in measuring.

Second half

Long division. Never allow a child to use long division when the divisor is a single figure.

Multiplication tables of the 10's, 11's and 12's and their use as divisors in short division.

Begin long division with easy divisors of two figures. Remember that 31, 41, 51, 61, 71, 81 and 91 are easier divisors than 14, 15, 16, 17, 18 and 19, 27, 37, 58, 76 etc.

Give much oral drill and written work for accuracy and rapidity in all of the fundamental operations.

Tests for divisability of numbers by 2, 3, 5, 9, 10.

Definition of factor, prime factor. Memorize prime factors up to 25 (1, 2, 3, 5, 7, 11, 13, 17, 19, 23).

Oral drill in finding prime factors to 100.

Continue measurement of objects in schoolroom for surface measurement. Additional measure: the linear yard. Learn liquid measure of pint, quart, gallon.

At the close of this year's work the pupils should be able to add, subtract, multiply and divide numbers with accuracy and facility.

FOURTH YEAR

First half

Roman numerals I to C and by hundreds to M.

United States money. Writing and reading of numbers expressing dollars and cents. The use of this knowledge in problem work demands its introduction at this time.

Problems. Simple problems, oral and written, connected with daily life. Original problem work by the children. Problems in bills and accounts, especially where one of the factors is 12 or less the extension of the products making up the sum to be done mentally.

Teach cancelation. Have all problems stated before being worked. Use cancelation whenever possible in the solution of these statements.

ILLUSTRATION

The product of 3 numbers is 384. 2 of the numbers are 12 and 8, what is the third number?

STATEMENT

$$\frac{384}{12 \times 8}$$

If 7 tons of coal cost $38.50 what will 12 tons cost?

STATEMENT

$$\frac{38.50}{7} \times 12$$

Dry measure: pint, quart, peck, bushel. Problems in reduction only.

Simple fractions and equivalents. Develop objectively. Also teach idea that a fraction is an indicated division with the dividend above the line and the divisor below it.

Fix the principles: (1) Multiplying the numerator or dividing the denominator of a fraction by any number, multiplies the fraction by that number. (2) Dividing the numerator or multiplying the denominator of a fraction by any number divides the fraction by that number. (3) Multiplying or dividing both numerator and denominator by the same number does not change the value of the fraction.

Continue drill throughout the year in the fundamental operations. Facility in these operations demands that this work be continued daily throughout the entire course.

Changing fractions to equivalent fractions of higher and lower denominations.

Give much oral drill in changing fractions to equivalent fractions of higher and lower denominations and in reducing them to a common denominator. Denominators of these fractions should not exceed 24.

Make little use of denominators 13, 17, 19, 29 and 39.

Addition and subtraction of fractions, the denominators of which do not contain more than two figures.

Second half

Addition and subtraction of mixed numbers involving fractions already used in the manner here indicated. (Mixed numbers should never be reduced to improper fractions in addition and subtraction.)

$23\frac{2}{3}$	$59\frac{3}{4}$	$25\frac{2}{3}$
$16\frac{1}{2}$	$8\frac{7}{8}$	$-\ 8\frac{7}{9}$
$17\frac{5}{6}$	$15\frac{5}{12}$	
58	$84\frac{1}{24}$	

Least common multiple of numbers to 100 and application in reducing fractions to a common denominator. (Use method of factoring in equation form.)

ILLUSTRATION

$30 = 2 - 3 - 5 \quad 5 \times 3 = \text{G. C. D.}$
$45 = 5 - 3 - 3 \quad 5 \times 2 \times 3 \times 3 = \text{L. C. M.}$

Multiplication of

1 A fraction by an integer
2 An integer by a fraction
3 A fraction by a fraction. Use cancelation in all cases where possible.

Written work in preceding cases should be preceded by much oral drill with simple numbers.

ILLUSTRATION

5 times $\frac{1}{2}$, 7 times $\frac{1}{4}$, 5 times $\frac{2}{3}$, $\frac{1}{2}$ of 10, $\frac{2}{3}$ of 9, $\frac{4}{5}$ of 10, $\frac{1}{2}$ of $\frac{4}{5}$, $\frac{2}{3}$ of $\frac{4}{5}$, $\frac{6}{7}$ of $\frac{3}{4}$ etc.

Division of

1 A fraction by an integer
2 An integer by a fraction
3 A fraction by a fraction. Use cancelation whenever possible.

Have the written work preceded by much oral drill as in multiplication of fractions.

Continue the solution of problems involving the principles and processes learned in all previous work.

Problems to be stated before being solved including oral analysis.

Cubic measure. Volume involving cubic inches, cubic feet and cubic yards.

FIFTH YEAR

First half

Reading and writing of decimals.

Reduction of common fractions to decimal fractions and decimal fractions to common fractions.

Fundamental operations in decimal fractions. (The Austrian method of placing the decimal point in division is recommended.)

Memorize aliquot parts of a dollar or of 100.

5	cents	$= \frac{1}{20}$	of a dollar	$= .05$
$6\frac{1}{4}$	"	$= \frac{1}{16}$	"	$= .06\frac{1}{4}$
$8\frac{1}{3}$	"	$= \frac{1}{12}$	"	$= .08\frac{1}{3}$
10	"	$= \frac{1}{10}$	"	$= .10$
$12\frac{1}{2}$	"	$= \frac{1}{8}$	"	$= .125$
$16\frac{2}{3}$	"	$= \frac{1}{6}$	"	$= .16\frac{2}{3}$
20	"	$= \frac{1}{5}$	"	$= .20$
25	"	$= \frac{1}{4}$	"	$= .25$
30	"	$= \frac{3}{10}$	"	$= .30$
$33\frac{1}{3}$	"	$= \frac{1}{3}$	"	$= .33\frac{1}{3}$
$37\frac{1}{2}$	"	$= \frac{3}{8}$	"	$= .375$
40	"	$= \frac{2}{5}$	"	$= .40$
50	"	$= \frac{1}{2}$	"	$= .50$
60	"	$= \frac{3}{5}$	"	$= .60$
$62\frac{1}{2}$	"	$= \frac{5}{8}$	"	$= .625$
$66\frac{2}{3}$	"	$= \frac{2}{3}$	"	$= .66\frac{2}{3}$
70	"	$= \frac{7}{10}$	"	$= .70$
75	"	$= \frac{3}{4}$	"	$= .75$
80	"	$= \frac{8}{10}$	"	$= .80$
$87\frac{1}{2}$	"	$= \frac{7}{8}$	"	$= .87\frac{1}{2}$
90	"	$= \frac{9}{10}$	"	$= .90$

Review tables of linear measure, square measure and cubic measure.

Memorize number of cubic inches in a bushel and in a liquid gallon.

Reduction ascending and descending as applied to these tables.

Application of square measure to finding area of squares, triangles, rectangles and to problems in painting, carpeting and plastering.

Application of cubic measure to finding volume of rectangular solids, the capacity of bins and cisterns, cost of masonry.

(Teach accurate capacity by using 2150.42 cubic inches in a bushel, also approximate capacity by using one bushel equal to $\frac{5}{4}$ cubic feet. In liquid measure use 231 cubic inches to gallon also $7\frac{1}{2}$ gallons = 1 cubic foot.)

Second half

Memorize tables of avoirdupois weight, dry measure, liquid measure, English money, time and circular measure. Also

learn number of pounds in a bushel of potatoes, wheat, corn, barley, oats, barrel of flour and apply in the solution of problems. Also learn value of franc, pound and mark in United States money.

Reduction ascending and descending as applied to these tables.

Other tables in denominate numbers besides those memorized may be used in problems, but pupils should be allowed to refer to books for facts used.

Problems in the form of bills and accounts continued.

SIXTH YEAR

First half

Review the work of fractions with special emphasis on the three questions:

1 To find a fractional part of a number

2 To find what fractional part one number is of another

3 Given a fractional part of a number and its relation to the whole to find the whole

Illustration: $\frac{3}{5}$ of $35 = ?$; What fractional part of 35 is 21?; 21 is $\frac{3}{5}$ of what number?

Review denominate numbers and drill on industrial problems demanding their use.

Fundamental operations in percentage

1 Any per cent of any number. Aliquot per cents. Use the term per cent interchangeably with hundredths. Learn thoroughly the aliquot parts of a unit and use interchangeably with hundredths and per cent. (See table given in first half of fifth year)

2 The per cent one number is of another

3 One number is a given per cent of what number?

Applications to problems

Second half

1 Profit and loss, including (*a*) marking goods; (*b*) trade discount; (*c*) cash discount

2 Commission — using only practical and common problems
3 Simple interest
   a To find interest on any sum of money for a given time at a given rate
   b The making of promissory notes and the computing of interest thereon
   c Problems in interest when three of the elements of P, R, T and I are given to find the fourth
4 The simple equation and the use of the unknown quantity x can be profitably used in the solution of some problems.

GEOGRAPHY

The course in geography as here outlined is limited to the third, fourth, fifth and sixth grades. A considerable amount of the subject-matter that frequently appears in geography courses has been dropped from this course because it was not considered vital or fundamental. Children enter school with a certain body of geographic information picked up through observation or conversation with their elders, and in the nature of things they gather more during the first two years in school. Naturally no attempt has been made to outline the amount and character of this geographic information. It will vary more or less with local conditions, although it will ordinarily include a knowledge of the local geographic features, with their names; the ordinary conditions of life and labor in the community; and the common terms of position, direction, distance and time, with their meanings.

THIRD YEAR

Home geography

By the beginning of the third year the child has usually learned to read a little, although not usually well enough to be independent. For this reason the work of the third year is chiefly oral. It is devoted to what is ordinarily called "home geography."

The work in home geography should be very simple and should concern itself chiefly with a study of local industries and the conditions which have given rise to these industries and made them prosperous. Explanations should be of a most elementary character and deal only with relations which are perfectly obvious. The chief topics to be considered include:

I The leading industries of the locality, their location, and importance

II The sources of raw material and some stories concerning the collecting and handling of this raw material

III A study of the manufacture of this raw material or of similar raw material. In this work local industries only should be studied, and these, whenever possible, should be visited.

IV Means and methods of transportation and communication

V Trade

Whenever the home is a large city it will be well to consider also:

I The reasons for the location

II The needs of the people and the consequent private industries and public service and public institutions

The time devoted to the work should not cover more than one half of the third school year and less time will often serve. Through the study of commerce — the sources of raw materials and the markets for manufactured products — as well as through the stories which are told him, the child ought to become familiar with the idea of more or less distant lands where other people live and labor.

The remainder of the year should be devoted to the study of the "world as a whole," as to its larger divisions and in its simple relations. Here both the textbook and the globe are of service. Through them the children learn:

1 That the land upon which they live stretches away for many miles in every direction, and that it is surrounded by water.

2 That the earth itself is "round like a ball or an orange," and that people may travel around it. (Imaginary journeys around the earth may be helpful in teaching this.)

3 That the earth is so large that it takes a long time to travel around it, even when fast trains and steamers are used.

4 That there are a number of large bodies of land and water: the first called "continents," and the second, "oceans."

5 That continents and oceans have special characteristics and names. These characteristics and names should be drilled upon until the children are able to recognize and name each continent and ocean, give their chief characteristics and define their positions in relation to each other.

6 That the earth rotates upon its axis and causes day and night.

7 That it is warmed and lighted by the sun.

8 That some parts of the earth are warmer than others.

9 That it is divided into zones and hemispheres and represented as a whole by the globe, and in its parts by maps.

Great pains should also be taken to teach the children the nature and use of maps, as in all the later study they will need to refer to them constantly. They are to be taught that maps are not pictures. The facts represented are usually shown by a system of arbitrary symbols bearing but little if any resemblance to the features themselves. Simple map work should be begun very early in the third grade and carried on systematically throughout the entire geography course. The first maps will, of course, be very simple. The schoolroom with the teacher's desk, the rows of children's

desks, the aisle, windows and doors, is difficult enough at first, and to draw even this, some preparation must be had and infinite patience shown. Next the outline of the school building may be drawn, and later the school yard with nearby streets or roads.

In map study the following points should be emphasized:

1 *The map idea.* The fact that people have agreed to represent land and water by means of "maps."

2 *The fixed position of maps.* This refers to the fact that maps are generally printed in books and hung on walls so that the northern part of the country is toward the top of the map; the southern part toward the bottom of the map; the eastern part at the right, and the western part at the left. In certain kinds of maps and in maps representing large areas this is not always possible, and therefore no map should be without symbols of some kind to indicate direction and position.

3 *Scale.* Maps are small and the areas mapped are often very large, and in order that they may be properly constructed, they must be drawn in proportion, or to scale. Very simple scales should be employed at first: 1 inch to a foot, 1 inch to a yard, 1 inch to a rod, etc., depending upon the size of the area to be mapped.

4 *Symbolism.* In the construction of maps a large variety of symbols is employed. These refer chiefly to topographic, hydrographic and cultural features. There is but little need of map symbols in the third grade, but, as without a knowledge of their meaning when they are used the map would be of little service, it is worth while to call attention to them early. All new symbols should be explained as soon as used.

During the entire third year, if the work is not provided for in the nature study course, simple weather observations should be made and records kept by the children.

Suggestions to teachers

Do not attempt too much. Choose a few things which are important, study these with care and drill upon them until they are thoroughly understood. Only a few excursions should be undertaken, but each one should be discussed in class until the meaning of the things and facts observed comes home to the children.

Make your illustrations and explanations simple. Use technical terms only when necessary and always explain them. *Do not attempt too much.*

Much of the work in home geography must in the nature of

things be oral. For that reason it is necessary that the teacher be thoroughly acquainted with local geography. Whenever excursions are to be undertaken the teacher should go over the ground first and make a definite plan as to time, route and the things to be seen. No really dangerous trips should be taken or allowed. The number of children should be limited. If the teacher is alone 25 is the maximum for profitable work. In many cases, as in visits to factories, even this number will be found far too large for any one person to handle with safety.

It should be remembered that each excursion will furnish sufficient material for many subsequent class discussions, and that without these class discussions the excursions themselves are of little value.

It will be noticed that but little work of a physiographic character has been outlined. This is because it is believed that most work of that kind is not only outside the child's experience, but also beyond his comprehension. If it is thought necessary or desirable, it may be introduced; but it should be done sparingly.

Tell the children stories about the plants, industries, people and cities. If these stories are simple enough they may be read by the children. It is believed that after the children have observed these things in their own home locality they will take keen delight in learning about them from books.

The work here outlined correlates closely with the other work of the grade. The study of industries furnishes an abundance of material for the best sort of modern arithmetic, and the stories of industry, people and products, when retold by the children, furnish excellent drill in the use of correct English.

As far as possible the work should develop in a logical order, but no attempt should be made to force the child to do much reasoning. In this early stage of his mental development he is not a reasoning being. He is, rather, storing his mind with facts. He remembers. If it is possible to remember things in relation to each other, so much the better.

Nothing quite takes the place of actual observation and experience. The best that can be done is to show pictures, and the best of these are none too good. Where a school is furnished with a lantern, the slides, of which the Visual Instruction Division of the State Education Department has great quantities fully catalogued and easily available, furnish the best sort of illustrative material. Next to the slide is the hand photograph, and of these also the Department can furnish a large choice.

Illustrations cut from magazines and other sources should be carefully selected. Not every picture is a good illustration. Not all of them are worth saving. They should be clear, clean, large, free from confusing details, and when of large things they should contain within themselves units of measure.

Books for the use of children

Allen. Children of the Palm Lands
Andrews. Seven Little Sisters
——— Each and All
Campbell. Story of Little Jan, the Dutch Boy
——— Story of Little Konrad, the Swiss Boy
——— Story of Little Mitzu, the Japanese Boy
Carroll. Around the World, books 1–4
Chance. Little Folks of Many Lands
Chase. Stories of Industry, 2 v.
Hamer. Little Folks of Other Lands
Kirby. Aunt Martha's Corner Cupboard
Krout. Alice's Visit to the Hawaiian Islands
Lane. The Wide World
——— Industries of To-day
Miller. Little People of Asia
Payne. Geographical Nature Studies
Peary, J. D. Children of the Arctic
——— Snow Baby
Peary, R. E. Snowland Folk
Schwartz. Five Little Strangers
Schwatka. Children of the Cold
Shaw. Big People and Little People of Other Lands
Little Lucy's Wonderful Globe
Any standard Elementary Geography

FOURTH YEAR

North America, the United States and the remaining continents in outline

When the children enter upon the work of this year, they already know about the world as a whole, its continents and great oceans; and it seems natural, therefore, that the year's work should begin with a more detailed study of some one of the continents. This will, of course, be the one in which they live.

For this work the children should have a textbook, their lessons should be assigned from the textbook, and they should be held to a careful preparation of these lessons. The textbook should be descriptive in character, and the use of the same sort of text should

be continued until the first study of the several continents and countries of the world has been completed. In later years the textbook should be of an entirely different character.

The elementary textbook in geography is usually the first book placed in the hands of the children which they are expected to study for the purpose of obtaining information, and for that reason it is extremely important that its use should be carefully taught. This is best done by discussing each day in class the lesson for the next day, and at the close of the oral work, assigning the same lesson for study. Later the children should be called upon to recite upon the text. After a little it will be sufficient to point out during the assignment of the lesson the items of greatest importance, adding thereto " search questions," the answers to which may be found in the text. While this makes the teacher's work more difficult at first, it pays in the end because of the added clearness and interest.

North America

I Position
- 1 In zones
- 2 In hemispheres
- 3 In relation to bordering waters
- 4 In relation to other continents

II Form
- 1 General
  Roughly triangular
- 2 Actual, determined by
  - *a* Its more important indentations
    - (1) Hudson bay
    - (2) Baffin bay
    - (3) Davis strait
    - (4) Gulf of St Lawrence
    - (5) Gulf of Mexico
    - (6) Caribbean sea
    - (7) Gulf of California
    - (8) Bering sea
    - (9) Bering strait
  - *b* Its more important prolongations
    - (1) Peninsula of Nova Scotia
    - (2) Peninsula of Florida
    - (3) Peninsula of Yucatan
    - (4) Peninsula of Lower California

c Chief islands adjacent.
(1) Many unnamed islands at the north
(2) Greenland
(3) Newfoundland
(4) The West Indies
(5) Many islands along the western coast, of which Vancouver and the Aleutian are the most important

These islands will not be thought to have much to do with the "form" of the continent unless the existence of a partially submerged continental shelf is explained in some simple way.

III Size

1 As compared with other continents. This should be done in a rough way only. No area in square miles is to be given.
2 As shown by the fact that it stretches entirely across the north temperate zone and reaches into the arctic on the north and the torrid on the south.

IV Relief

1 Highlands
a Rocky mountain highlands
b Appalachian highlands
2 Lowlands
a Plains—really long and gentle slopes made up of a complex of much smaller slopes. There is, however, no need of pointing out their complexity at this time.
(1) The great central plain
(2) The Atlantic coast plain
(3) The Gulf coast plain

V Drainage

1 Gulf drainage
2 Atlantic drainage
3 Pacific drainage

VI Distribution of population

This should be an extremely simple division into dense, less dense, and sparsely settled districts as determined by the occupations of the people.

VII Political divisions

1 United States and Alaska
2 Dominion of Canada
3 Mexico
4 Central America

The order of topics used in the study of North America is followed in this study of the United States. Some of these require little or no amplification and are in the nature of review, while others, as, IV Relief, VI Climate, and VII Possibilities of occupation, are to be treated with greater fulness because of their greater importance. The teacher should keep constantly in mind that it is the large general truths of relief, climate, natural resources and industry which are wanted, not isolated evidences of geographical relationships, however interesting.

I Position

1 In the continent
2 In relation to the bordering water bodies
3 In relation to other countries with which trade is carried on

II Form, as determined by the

1 Chief indentations
   a New York bay
   b Delaware bay
   c Chesapeake bay
   d Mobile bay
   e Galveston bay
   f San Francisco bay
2 Chief prolongations
   a Cape Cod
   b Cape May
   c Cape Hatteras
   d Cape Fear
   e Cape Canaveral
   f Cape Sable
   g Cape Mendocino
   h Cape Flattery

III Size

Shown by the length of time that it takes to journey across it from east to west and from north to south

IV Relief

1 This includes a study of the differences in character, elevation and extent between the two great highland masses. In this connection the chief ranges should also be named, located and characterized.

2 Notice the main slopes, the great plains which they form, and the character and use of these plains.

V Drainage

Study the chief drainage lines and their relation to the relief forms. Compare some of the larger streams as to size and commercial importance. The children should be able to locate and characterize the Mississippi system, the St Lawrence-Great Lake system, the other important streams of the Atlantic drainage, the Columbia-Snake, the Sacramento-San Joaquin, and the Colorado river of the west. Drill most persistently upon the streams which are commercially important.

VI Climate

Show the position of the United States on the globe. Point out that the northern part is near the arctic zone. Locate the home state and the city or village nearest to the school. The children may be asked to describe the usual weather conditions during the summer and winter in their own home region. Show pictures of southern scenes, and have the children tell how the northern and southern seasons differ. If the children are not already familiar with these processes, through their nature study, give some simple lessons on evaporation and condensation of moisture. Explain how moisture, evaporated over the surface of the sea, is borne into the interior to be condensed and fall as rain over the land.

Show upon maps the distribution of rainfall in the United States. Have children locate on wall maps regions of:

1 Abundant rainfall

a Where the rain is well distributed and where the temperature is warm enough to produce abundant vegetation, and

b Where the rain is abundant in amount and in a warm region, but not well distributed, resulting in arid or semiarid wastes, and

c Where the rain is abundant in amount but in cold regions, resulting in snow

2 Medium rainfall—enough so that crops will grow

3 Slight or no rainfall—resulting in deserts

VII Possibilities of occupation

As a result of the relief, temperature and rainfall, it will be found that certain parts of the United States are suited to certain industries; i. e., they furnish certain possibilities of occupation. These regions are so sharply differentiated that it is possible to divide the states into groups in which substantially the same industries are carried on. In this way we find:

1 The chief agricultural and grazing sections and their chief productions

2 The mining regions and the most important minerals

3 The lumbering regions and the most important trees

4 The manufacturing regions and manufactures

5 The fishing grounds and the chief catches

VIII States

Give the children an idea of what is meant by a state, recall to their minds the nature of a political boundary line, point out physical regions and state groups, and have them identify these groups by their leading industries.

Only a few of the leading industrial and commercial cities should be studied, and they should be closely identified with the industrial region in which they are located and with their leading productions. Alaska should be considered with the United States.

The remaining countries of North America should be learned by name, and their relation to the general continental structure, drainage and climate briefly pointed out. The work thus far outlined will occupy the first half of the year. The second half should be devoted to a very rapid survey of the other continents with but little reference to individual countries except in the case of Europe. There the leading countries are to be located and characterized.

The text in the fourth year should be descriptive in char-

acter. Only the more important physical and political features need receive emphasis.

Many items of information ordinarily included in geographical textbooks must be rigorously excluded. Items of history and government have no place here.

The following order is acceptable:

1 South America and the South American countries
2 Europe and the European countries
3 Asia and the Asiatic countries
4 Africa and the African countries
5 Australia and the Australian countries

The chief points to be covered are:

I Position
II Form
III Size
IV Relief
V Drainage
VI Climate
VII Occupations and industrial regions
VIII Centers of population and chief cities

Be simple, confine the children to the study of geography and do not go into details.

FIFTH YEAR

New York State and a continental review

I Position

Northeastern part of the United States

II Form

Roughly triangular

III Size, as indicated by:

1 The latitude
2 The time it takes to travel from New York city to Rouse Point, and from Albany to Buffalo

IV Relief

1 The Adirondack mountains
2 The Catskills and the Allegheny plateau
3 The Lake plains

Draw upon the board or paper a map showing these three regions in a large way, without minor irregularities.

V Drainage

1 The St Lawrence system
2 The Hudson-Mohawk system
3 The Genesee
4 The Susquehanna
5 The Delaware
6 The Allegheny and its relation to the Mississippi system

The children should be able to locate these streams upon the maps and characterize them and the country through which they flow.

VI Climate

This involves a study of the characteristics of temperature and rainfall in different parts of the state, as, on Long Island, in the Adirondacks, and over the lake plains.

VII Soils

In this study, the difference between the glacial soils and the alluvium of the river flood plains should be pointed out.

VIII Vegetation

This will include a study of:

1 The market gardening and truck-raising regions of Long Island
2 The forests of the Adirondacks and the lumber and paper industries
3 The grazing regions of central and northern New York and the dairying industry
4 The fruit belt of western New York and along the Great Lakes
5 The general diversified agriculture of the rest of the state

IX Animal life

1 Hunting in the Adirondacks
2 Commercial fishing in the Sound and the Great Lakes

X Mineral wealth other than soils

1 The quarries
2 Cement
3 Clays

4 Salt
5 Gypsum
6 Petroleum
7 Graphite
8 Iron

XI Manufacturing

Point out that this will be carried on chiefly in large centers of population, and pass at once to a consideration of the

XII Distribution of population

The population will vary in density with the possibility of occupation. In manufacturing centers where the industries are the outgrowth of local supplies of raw material, that fact should be pointed out. Otherwise the chief industries should be noted without much further comment.

XIII Chief trade routes

The dependence of the whole state upon New York city as an outlet point, and the physical control of possible trade routes, should both be noted.

1 Railroads
2 Canals

XIV History and government

But little should be done with these topics.

The study of the state should be thorough. It is, both physically and industrially, much more easily apprehended than more distant countries, more so even than distant parts of the United States. Its commercial relations through New York city are not only enormous in their total volume, but they are world-wide in extent. This study of the state will probably require about half of the school year. It will be well to devote the balance of the year to a second study of some of the continents. This will be entirely different from the first general survey outlined for the latter part of the fourth year. It will not only be more full, involving a more complete knowledge of the physical, industrial and political conditions in all of the more important countries, but it will also be of an entirely different character.

Children are now to see the world, not as a mere assemblage of

things and places, but as a world of order and unity where the different life forms and their environment are adjusted to each other, where races and nations, surrounded as they are by vastly different physical conditions, seem to have attained their characteristic civilizations through the influence of these. The working out of the relations existing between these civilizations and industries and their causes is the intensely fascinating problem set for the geography of the later years. It is the so called "geography of reason," or the "geography of cause and effect." It is well to bear in mind, however, the fact that the influences which condition man's life are not exclusively physical, but are often social.

The continents to be studied in the latter part of this year are South America, Africa, Asia and Australia. This is for two reasons, the first reason being that the *countries* of these several continents and their characteristic features and industries were entirely neglected in the first rapid survey of the fourth year, and the second being that the sixth year will bring with it added maturity and a more thorough comprehension of the two important continents left for that year.

Suggestions to teachers (fourth and fifth grades)

Though the textbook is to be made the basis of the work in these two grades, the children should by no means be confined to the text. Wherever there is a school library it should be rich in books of a geographic character, and these ought to be given to the children for home reading. In any event, two or three series of geographic readers should be owned by the school and placed where they are easy of access. They may, indeed, be used with advantage as supplementary readers during part of the time.

All of the standard textbooks in geography are liberally supplied with illustrations, and constant use should be made of them. In addition to these the teacher should make a collection of pictures which may be used in illustrating the lessons given.

The elementary map study begun in the third grade should be continued and made more definite. Care should be taken that the things and places studied and read about are given their proper location upon the map. But the things should be *real* things, the places *real* places. Back of the use of the symbol should be a reasonably clear idea of the thing symbolized. To this end, modeling and a liberal use of pictures contribute. In the course of time maps ought to be so full of meaning that the children will take real delight in learning from a new map as much as is possible before

the study of the text is begun. In the upper grades this may be carried to a point where the children are led to make intelligent inferences on the basis of the data which the map furnishes. Nothing of the sort, however, should be attempted in the lower grades.

In the work outlined for these two grades something has been said about the desirability of drilling the children upon certain facts until they know them. This means that they must be memorized.

From the globe and the maps used in connection with the work of these two grades, the children should have learned thoroughly and intelligently the locations and names of the most important geographic features of the world, both physical and political, and something about the people, industries and products of the countries studied. Care should be taken to drill upon the spelling of all geographic terms.

Books for the use of children (fourth and fifth grades)

Aryton. Child Life in Japan
Bardeen. Geography of the Empire State
Brigham. The Geography of New York
Butterworth. Zigzag Journeys
Carpenter. North America
——— South America
——— Africa
——— Asia
——— Australia, Our Colonies and Other Islands of the Sea
Kirby. The Sea and its Wonders
Lane. Strange Lands near Home (Youth's Companion Series)
——— Northern Europe (Youth's Companion Series)
——— Toward the Rising Sun (Youth's Companion Series)
——— Under Sunny Skies (Youth's Companion Series)
Morris. Home Life in All Lands
Smith & Perry. Geography of New York
Starr. Strange Peoples
——— American Indians
Straubenmuller. A Home Geography of New York City
Taylor. Boys of Other Countries
Wade. Our Little Cousin Series

SIXTH YEAR

During this year the second survey of Europe and North America is completed. The important countries in each of these continents are taken up with special reference to their great industries and the physical and social conditions influencing them. Colonies, no matter where located, if important enough to be noted

at all, are studied in connection with the mother country. Notice should be taken of the commercial relations existing between the home countries and their several colonies. It is advisable to study Europe and the European countries first, and to follow with North America and its several countries, with special emphasis upon the United States and New York.

The outline given below will prove suggestive, but the teacher should remember that the emphasis is to be placed upon the topics from VII–XV rather than upon those from I–VI.

I Position
- 1 Relative
- 2 Absolute

II Form
- 1 Relative
- 2 Actual
  - *a* As shown by map
  - *b* Indentations
  - *c* Prolongations
- 3 Continental shelf

III Size
- 1 Relative
  - *a* Compared with other continents
  - *b* In relation to oceans
  - *c* What part of the whole earth
- 2 Actual
  - *a* Extreme breadth—and length of time it takes to make the journey
  - *b* Extreme length—and length of time it takes to make the journey
  - *c* Number of square miles

IV Relief
- 1 Highlands including plateaus
  - *a* Position
  - *b* Extent
  - *c* Average elevation
  - *d* General character
    - (1) Broken—with numerous peaks and passes, or
    - (2) Continuous—with few peaks or passes
    - (3) Structure—mountain folds or blocks
    - (4) Chief passes

e Arrangement
(1) Parallel ranges
(2) Cross ranges

2 Relation of the highlands to the great continental slopes, great drainage systems, interior basins, and the nature of coast lines

3 Lowlands
a Position
b Extent
c Structure
d Kinds
(1) Rolling plains
(2) Coast plains
(3) Flood plains
(4) Delta plains

V Climate

1 Temperature as controlled by:
a Position
b Relief

2 Winds and rainfall
a Prevailing winds and calm belts to be expected from position
b Winds actually prevailing
c Influence of highlands upon winds and rainfall
d Influence of winds upon the ocean currents and of the currents upon the winds which cross them
e Location of rainless areas and the reasons therefor

VI Drainage

NOTE. As a result of the present relief and the present climatic conditions, a certain drainage system has been established. Care should be taken, however, to fix clearly in the minds of the students the fact that a much more ancient relief, now vanished, established drainage conditions in the past, and that these in turn shaped the relief features of the present.

a Chief rivers and their relation to the land forms which they have been instrumental in creating
b Lakes
(1) Fresh-water lakes
(2) Salt-water lakes

VII Soil

1 That which has been formed in place
2 That which has been transported

VIII Zones of vegetation as dependent upon:

1 Temperature as determined by latitude, altitude, proximity to large bodies of water, and influence of ocean currents
2 Rainfall and
3 Character of the soil

IX Zones of waste as dependent upon:

1 Lack of moisture
2 Altitude
3 Latitude
4 Too much moisture
   a Swamp
   b Jungle
   c Bad lands
5 Poor soil

X Distribution of animal life

XI Distribution of mineral resources

XII Distribution of population as dependent upon possibilities of occupation

NOTE. Here should be considered the division of labor resulting from the conditions outlined under VII, VIII, IX, X and XI above, and the great industrial regions which have grown up in consequence of these conditions. There should also be considered the relation of industry to:

1 Resources
2 Supply and demand
3 Commercial advantages

XIII Development and location of centers of population as showing the needs of the people for:

1 Commercial centers
2 Manufacturing centers
3 Government centers

XIV Development of commercial and trade routes resulting from the attempt of people to obtain the products and patronage of the other people of the world

1 Natural conditions which aid commercial undertakings
   a Extensive coast line and good harbors
   b River systems
   c Open country with no barriers, so that canals or railways may be easily constructed
2 The routes which have been established and the chief commercial cities
3 The commodities which are transported
4 The influence of physical conditions upon 2 and 3 above

XV Political divisions

XVI The government

The work of the sixth year includes Europe, North America, the United States and New York.

Suggestions to teachers

The use of the advanced textbook should be begun in the fifth grade and continued through the sixth. Lessons should be assigned with care and the students held to careful and exact preparation. They will at first need much help to enable them to read between the lines, i. e. to work out the implications and the relations suggested by statements in the text.

Throughout the fifth and sixth grades considerable use should be made of large wall maps, and the students should be encouraged to make inferences whenever it seems to the teacher that they have sufficient data at hand to warrant their doing so.

Great pains should be taken not to overdo this map work, but it is a valuable bit of training when judiciously used. A student of the sixth grade ought to be able to "read" the information from a map almost as readily as from a printed page.

Encourage home reading, especially where the text seems brief, fragmentary, or, for any reason, unsatisfactory.

Books for the use of students

Abbott. South Seas
Adams. Elementary Commercial Geography
Brigham. From Trail to Railway
Carpenter. Europe

——— How the World is Fed
——— How the World is Clothed
Chamberlain. How We are Clothed
——— How We are Fed
——— How We are Sheltered
Cochrane. Romance of Industry and Invention
Coe. Modern Europe
Davis. West from a Car Window
Du Chaillu. Land of the Long Night
Edgar. Story of a Grain of Wheat
Finnemore, John. England (Peeps at Many Lands Series)
Gaye. Great World's Farm
Geikie. Geography of the British Isles
Greene. Coal and the Coal Mines
Hodden. Cities of the World
Ingersoll. Book of the Ocean
——— Knocking round the Rockies
Lummis. Tramp across the Continent
Patton. Natural Resources of the United States
Rocheleau. Great American Industries
——— Minerals
——— Products of the Soil
——— Manufactures
Shaler. Sea and Land
——— Story of Our Continent
Van Bergen. Story of China

Books for the use of teachers

Adams. Commercial Geography
Brigham. Geographic Influences in American History
Chisholm. Handbook of Commercial Geography
Davis. Elementary Meteorology
——— Physical Geography
Dryer. Lessons in Physical Geography
Gannett, Garrison & Houston. Commercial Geography
George. Relations of Geography and History
Gibbins. History of Commerce in Europe
Gilbert & Brigham. Introduction to Physical Geography
Hemenway. How to Make School Gardens
Herbertson. Man and His Work
Hogarth. The Nearer East
Holdich. India
Hunn & Baily. Practical Garden Work
James. Practical Agriculture
King. The Soil
Little. The Far East
Lubbock. Scenery of Switzerland
Lyde. Man and His Markets
Mackinder. Britain and the British Seas
Mill. International Geography

——— Realm of Nature
Partsch. Central Europe
Reclus. Earth and its Inhabitants, 21v.
Redway. Commercial Geography
Ritter. Comparative Geography
——— Geographical Studies
Russell. Glaciers of North America
——— Lakes of North America
——— Rivers of North America
——— North America
Semple. American History and its Geographic Conditions
Shaler. Aspects of the Earth
Stanford. Compendium of Travel, 10v.
Tarr. Elementary Physical Geography
Trotter. Lessons in the New Geography
——— Geography of Commerce
Waldo. Elementary Meteorology
Ward. Practical Exercises in Meteorology
Webster. General History of Commerce
Yeats. Golden Gates of Trade
National Geographic Monographs on the Physiography of the United States
The Century Atlas

Method

Davis & others. The Use of Governmental Maps
Geikie. Teaching of Geography
McMurry. Special Method in Geography
Mill. Choice of Geographical Books for Reference
Nichols. Topics in Geography
Redway. Reproduction of Geographic Forms
——— Manual of Geography
——— New Basis of Geography

Geographic journals

The Journal of Geography
The Bulletin of the American Geographical Society
The National Geographic Magazine

AMERICAN HISTORY

The following outlines are offered for a course of history covering the fifth and sixth grades.

The purpose of history teaching in these grades is to awaken interest, encourage supplementary reading, and present worthy ideals; it is not to prepare for any kind of examination. As the same characters will be presented in chronologic sequence in the seventh and eighth grades, no time in the fifth and sixth grades should be spent in general reviews. Textbooks written from the biographic point of view may be used very sparingly in the fifth grade, more profitably in the sixth, but the great value of the work for these years will depend on the teacher's power of story-telling.

The work is divided into *stories* (printed in brevier) and *story lessons* (printed in long primer). The stories should be told or read by the teacher to present history as a series of pictures; but the story lessons should be presented with details of boyhood, youth and environment, sufficient to create well defined images of historic characters. These story lessons should then be reproduced by the pupils orally in the fifth grade, first orally and then in written exercises in the sixth grade, or as soon as children acquire a vivid interest. As an outcome of the work of these first two years in history, pupils ought to be able to use a textbook intelligently.

In the child's mind place precedes time; therefore it is proper to introduce map or globe work as a part of each lesson. Picture study, whenever possible, should receive ample attention and should be skilfully directed by the teacher. Often a picture will prove the best introduction for the story.

With each life outlined a list of carefully selected reference books is given. It is not expected that any pupil will read all these or that any school will keep them all in its library, but a sufficient number should be owned by a school to encourage some collateral reading by each member of the class. Some pupils will need to be cautioned against reading too carelessly. Those books that are starred will not appeal strongly to the pupil but are listed as specially helpful to the teacher. Many of these may more properly be owned by the village library than by the school library. Nearly all the poems listed may be found in Wiggin and Smith's *Golden Numbers*, and in Persons's *Our Country in Poem and Prose*, also in some one of the school readers in common use.

Ample time should be allowed to each life. One or two lessons may suffice for less important characters; but the greatest Americans should be presented in a series of biographic pictures.

The moral value of history is so generally appreciated that a word of caution seems imperative. History skilfully and truthfully told is its own preacher.

The following schedule is submitted to suggest reasonable minimum time allotments. It is in no sense prescriptive and variations from it should be freely made. Some of the topics assigned for stories may well be used for story lessons. A few of the story lessons may be used as stories. The ability of the class, the interest displayed, and the time to be given should guide the teacher rather than definite prescriptions.

It is advised that *rural schools* begin this work about October 1st and continue it to completion with two lessons a week.

Minimum time allotment

FIFTH GRADE	No. of lessons
Leif the Lucky	1
Columbus	5
Drake	3
Raleigh	1
John Smith	2
Pocahontas	2
Miles Standish	2
Governor Winthrop	2
Roger Williams	1
Henry Hudson	3
Champlain	3
Lord Baltimore	1
William Penn	1
Benjamin Franklin	3
Montcalm and Wolfe	3
Sir William Johnson	2
Local history	1–4
Government	4
Total	43

SIXTH GRADE	No. of lessons
Patrick Henry	1
Samuel Adams	3
Washington	10
Philip Schuyler	4
Nathaniel Greene	1
Paul Jones	3
Jefferson	2
Hamilton	2
Boone	1
Jackson	3
Clay	2
Webster	2
Whitney and Howe	2
Fulton, Clinton and Stephenson	3
Lincoln	8
Grant	3
Lee	1
Farragut	2
Clara Barton	1
McCormick	1
Morse	3
Total	58

FIFTH YEAR

1 Leif the Lucky, 1000

a The Northmen and their ships; the accidental discovery of America.

b Leif the Lucky finds Vinland; the death of Thorvald; Karlsefin and the Skraelings.

Map work. Locate on a map or globe settlements made by the Northmen in Iceland, Greenland, and America.

Collateral reading

History

***Old South Leaflets** No. 30

Poetry

Longfellow. The Skeleton in Armor

Fiction

Ballantyne. Norsemen in the West
Liljencrantz. The Thrall of Leif the Lucky

2 Columbus, 1492

a Genoa and its articles of commerce; the trade route from Genoa to the East and how it was closed.

b Columbus the sailor and thinker: dangers of sailing out of sight of land; sailors' fears; the compass and its use; why sailors need maps; what most people believed about the size of the earth and the shape of the earth; what a few people believed about the shape of the earth; a map that Columbus studied (Toscanelli's); sailors' stories; Marco Polo's book; a possible trip to Iceland and what might have been heard there.

c The perseverance of Columbus: the plan of Columbus and his poverty; seeking aid from Genoa, Venice, and Portugal; why Columbus went to Portugal and what sort of treatment he received there; the long work and waiting in Spain; Isabella.

d The courage of Columbus and the first voyage to the New World: the ships, their size and appearance; the kind of men who sailed with Columbus; length of the voyage; mutiny of the sailors; encouraging signs; land; the letter Columbus carried; the visit to Cuba; the return voyage; the welcome home; what Columbus brought from the New World.

e Disappointments and service: the second and third voyages; failure to find the gold and precious stones of Asia; Columbus in chains; the fourth voyage; the New World named America; what Columbus did for Spain; what Columbus did for Europe.

f Some followers of Columbus: Cabot, his work for England; Verrazano and Cartier, their work for France; Hudson, his voyages for Holland and England; Balboa, the discovery of the Pacific; Cortez, the conquest of Mexico; De Soto, and the discovery of the Mississippi.

Map work. 1 Locate on a map or globe, Genoa, Venice, Portugal, Spain, Palos, the Canaries, San Salvador, Cuba, Haiti, the Azores.

2 Trace on a map the routes of Cabot, Verrazano, Cartier, Hudson and Columbus.

Collateral reading

History

Hart & Hazard. Colonial Children, p. 4–6
Pratt. Discoverers and Explorers, p. 17–32

Biography

Brooks. True Story of Christopher Columbus
Lawler. Columbus and Magellan
King. *De Soto in the Land of Florida
Abbott. Cortez

Poetry

Miller. Columbus

Fiction

Stables. *Westward with Columbus
Henty. By Right of Conquest

3 Drake and the Armada, 1588

a Robbing the robber: the riches of Mexico and Peru; how the Spaniards got them and what they did with them; Drake's voyage around the world; the straits of Magellan; New Albion; the route home.

b " Singeing the beard " of the King of Spain.

c The Armada.

d Drake's companions: Hawkins and Raleigh.

Map work. Trace the route of Drake on his voyage around the world.

Collateral reading

History

Higginson. *United States History, p. 75–107
Hart. *Source Book, p. 9–11
——— **& Hazard.** Colonial Children, p. 23–25

Fiction

Henty. Following Drake's Flag
Kingsley. *Westward Ho!

4 Raleigh

a Boyhood and youth: the home among Devonshire sailors; the young soldier and Queen Elizabeth.

b Why an English colony was wanted: rivalry with Spain; idle people in England; gold; a place for trade; wine and silk.

c Roanoke: the exploring voyage; the name of Virginia; the first attempt; the second attempt; Virginia Dare; Croatoan.

d Results: potatoes and tobacco; Jamestown; Plymouth and an English speaking nation.

Map work. Locate Devonshire and Roanoke.

PUBLIC SCHOOL BUILDING, ONEONTA

Collateral reading

History

Hart & Hazard. Colonial Children, p. 165–70
Pratt. Early Colonies, p. 33–49
Brooks. Century Book of American Colonies, p. 57–63

Biography

Kelley. Sir Walter Raleigh
McMurray. Pioneers on Land and Sea
Towle. *Sir Walter Raleigh

5 John Smith: Jamestown, 1607

a Early life and adventures.
b The London Company: its purpose; character of the colonists.
c Dangers of the colony: weather; fever; starvation; Indians.
d Looking for the Pacific; capture of Smith; Pocahontas.
e Saving the colony: getting food from the Indians; making the lazy work.
Map work. Locate Jamestown, Chickahominy river, Chesapeake bay.

Collateral reading

History

Hazard & Dutton. Indians and Pioneers, p. 140–50
Hart. *Source Book, p. 33–37
Cooke. *Stories of the Old Dominion
Smith. *Settlement of Virginia
Indian Stories Retold from St Nicholas

Biography

Woods. *True Story of Captain John Smith
Johnson. Boys Life of Captain John Smith

Fiction

Goodwin. *White Aprons
——— *The Head of a Hundred

6 Pocahontas

a How the Indians lived: dwellings; dress; food; work; play; weapons; education.
b Saving of John Smith.
c Kidnapping of Pocahontas.
d Marriage to Rolfe and visit to England.
e Rolfe and tobacco-growing.

Collateral reading

History

Grinnell. *Story of the Indians
Eastman. *Indian Boyhood
Starr. American Indians
Bass. Stories of Pioneer Life, p. 1–20
Hart & Hazard. Colonial Children, p. 63–64, 95–130
Hazard & Dutton. Indians and Pioneers, p. 56–88, 151–54

Biography

Abbott. Pocahontas
Eggleston & Seelye. Pocahontas

Poetry

Thackeray. *Pocahontas

7 Miles Standish and the Pilgrims, 1620

a Pilgrims: why called Pilgrims; why they wished to settle in the New World; how they came.
b The voyage and the agreement in the cabin of the Mayflower.
c Captain Standish and his company: arms; armor; explorations on foot and in the shallop; finding the corn.
d Plymouth: the landing; building houses; nursing the sick; departure of the Mayflower.
e The Indians: Samoset; Squanto; Massasoit; Canonicus; Pecksuot.
f The first Thanksgiving.
g Life of the Pilgrims: corn; fish; fur-trading; church-going; schools.
Map work. Locate Scrooby, Leyden, Delft Haven, Plymouth in England, Cape Cod, Plymouth in New England.

Collateral reading

History

Dawes. *Colonial Massachusetts, p. 13–22
Hazard & Dutton. Indians and Pioneers, p. 167–94
Pratt. Early Colonies, p. 113–23
Hart & Hazard. Colonial Children
Eggleston. American Life and Adventure, p. 21–26
Hart. *Source Book, p. 32, 39–44
Earle. *Home Life in Colonial Days, p. 108–41
Drake. On Plymouth Rock
Bass. Stories of Pioneer Life

Biography

Abbott. *Miles Standish
Holman. *Massasoit

Poetry

Hemans. Landing of the Pilgrims
Whittier. The Corn Song
Preston. The First Thanksgiving
Longfellow. Courtship of Miles Standish
Stevenson. Poems of American History

Fiction

Austin. *Standish of Standish
——— *Betty Alden
Hall. The Boys of Scrooby

8 Governor Winthrop and the Puritans

a The charter of Massachusetts Company; why Governor Winthrop and his friends wished to leave England.
b The coming of the Puritans: the great number who came; the kind of people who came.
c Governor Winthrop's character: sharing the last meal; temperance; caring for the poor; self-control.
d The kind of people Governor Winthrop wanted in Massachusetts; who might vote; strict laws; Roger Williams.
Map work. Locate Salem, Charlestown, Boston, Cambridge, Dorchester, Watertown.

Collateral reading

History

Dawes. *Colonial Massachusetts, p. 23–33
Hazard & Dutton. Indians and Pioneers, p. 194–219
Pratt. Early Colonies, p. 120–31
Hart & Hazard. Colonial Children, p. 201–10
Hart. *Source Book, p. 45–48
Higginson. *Massachusetts Bay Colony
Earle. *The Sabbath in Puritan New England
——— *Social Life in Old New England
——— *Manners and Customs in Old New England

Biography

Mitchell. *John Winthrop

Fiction

Hall. The Golden Arrow
Colonial Stories Retold from St Nicholas

9 Roger Williams

a Differences between Roger Williams and other Puritans: the rights of Indians; the right to vote.

b The exile: the winter journey to Massasoit; the order to leave Massachusetts; settlement at Providence.

c Services of Williams: making the colony free for people like Mrs Hutchinson; keeping the Narragansetts from the Pequot War.

Map work. Locate Providence and Newport.

Collateral reading

History

Pratt. Early Colonies, p. 152–57
Brooks. Century Book of American Colonies, p. 168–73
Hart. *Source Book, p. 52–54

Biography

Strauss. *Roger Williams

10 Henry Hudson: Hudson river, 1609

a Search for a short route to Asia: why the Dutch wanted a new route to Asia; tea, coffee, spices; the Dutch East India Company hires Hudson to explore.

b The voyages: attempt to find a northeast passage; Hudson and John Smith; the Hudson river; the Half Moon and the Indians; what the Indians gave Hudson; what Hudson gave the Indians; the report of Hudson to the East India Company; renewed search for the Pacific; Hudson bay; the fate of Hudson; followers of Hudson; Minuit, Kieft, Stuyvesant.

c Minuit: the purchase of Manhattan island; why the Indians were not cheated; relations with the Indians; the fur trade; timber and ship building; wampum and its uses; coming of the Patroons.

d Kieft: character; relations with the Indians; Indian wars.

e Peter Stuyvesant: character and nicknames; troublesome neighbors, Swedes, English, Indians; troubles with the people; the city of New Amsterdam; the councils; surrender to the English.

Map work. Locate Holland, Norway, North Cape, Hudson river, Fort Orange (Albany), Hudson bay.

Trace the two routes known at this time by which the Dutch could sail from Holland to the East Indies. Trace the boundaries of New Netherlands.

Collateral reading

History

Pratt. Discoverers and Explorers, p. 137–43
Hazard & Dutton. Indians and Pioneers, p. 230–45
Todd. *History of the City of New York, p. 14–22, 35–51
Williams. Stories from Early New York History, p. 1–32
Hemstreet. *Story of Manhattan
Colton. *Annals of Old Manhattan
Old South Leaflets No. 94. *Discovery of the Hudson River
Old South Leaflets No. 69. *Description of the New Netherlands

Biography

Abbott. Peter Stuyvesant

Fiction

Barr. *Maid of Maiden Lane
Hall. In the Brave Days of Old

11 Champlain

a How the world was divided between Spain and Portugal and what the French king said about the division.

b Frenchmen who visited the New World before Champlain: Verrazano; Cartier.

c Founding of Quebec: the plot against Champlain; the first winter; the fur trade.

d Discovery of Lake Champlain; the attack on the Iroquois and its results; the followers of Champlain, Marquette, Joliet and LaSalle.

e The French missionaries: Marquette, Joliet and the great canoe voyage.

f LaSalle: from Lake Michigan to the Gulf of Mexico; building the Griffon at Niagara; loss of the Griffon; the winter journey to Fort Frontenac; down the Mississippi; claiming the land for France.

Map work. Locate Quebec, the Richelieu river, Lake Champlain.

Trace on a map the journey of LaSalle from Fort Frontenac (Kingston) to the Gulf of Mexico.

Collateral reading

History

Pratt. Discoverers and Explorers, p. 68–76
Gordy. American Explorers
Hazard & Dutton. Indians and Pioneers, p. 122–27
Pratt. Early Colonies, p. 76–85
Starr. American Indians, p. 115–82
Pratt. Later Colonial Period, p. 1–28
Hart. *Source Book, p. 14–17, 96–98
Parkman. *The Struggle for a Continent, p. 86–106, 186–222
Champlain. *Old South Leaflets No. 91
Dix. *Champlain, the Founder of New France
McMurray. Pioneer Stories of the Mississippi Valley
Williams. Stories From Early New York History

Biography

Abbott. Chevalier La Salle
Catherwood. Heroes of the Middle West
Sedgwick. Samuel de Champlain

Fiction

Van Zile. *With Sword and Crucifix
Catherwood. *Story of Tonty

12 Lord Baltimore

a The first attempt: why the first Lord Baltimore wanted land in the New World; attempted settlement of Newfoundland; grant of land in Virginia.

b The settlement of Maryland: St Mary's; kindness to Indians; religious freedom; troubles with Claybourne.

Map work. Locate the Chesapeake bay, the Potomac river, St Mary's.

Collateral reading

History

Smith & Dutton. Colonies, p. 39–50
Hazard & Dutton. Indians and Pioneers, p. 162–65
Pratt. Early Colonies, p. 132–37
Hart & Hazard. Colonial Children, p. 63–64

Biography

Brown. *George and Cecilius Calvert

Fiction

Goodwin. *Sir Christopher
Bennett. *Barnaby Lee
Thruston. *Mistress Brent

13 William Penn

a The Quakers: beliefs about the church; Quaker meetings; how Quakers dressed; how they spoke; refusal to pay taxes; to remove hats, take oaths, serve in the army; persecutions in England and in the colonies.

b Pennsylvania: the early life of William Penn; how the King paid a debt; the name Pennsylvania.

c Dealings with the Indians; the treaty.

d Settlement of Philadelphia: wise rules in regard to streets and lots; wise laws; religious freedom.

Map work. Note the location of Philadelphia between the Schuylkill and the Delaware. Why was it a good place for a city?

Collateral reading

History

Hazard & Dutton. Indians and Pioneers, p. 252–62
Smith & Dutton. Colonies, p. 248–62
Pratt. Early Colonies, p. 158–65
Hart & Hazard. Colonial Children, p. 144–48
Hart. *Source Book, p. 67–68, 80–82

Biography

Fisher. *The True William Penn
Hodges. *William Penn

Poetry

Whittier. The Quaker of the Olden Time

Fiction

Butterworth. The Wampum Belt
Watson. The Great Peacemaker
Robertson. *A Gallant Quaker
Barr. *Friend Olivia

14 Benjamin Franklin

a Birthplace and family.

b Boyhood: work and play; apprenticeship; reading.

c Youth: the journey to Philadelphia; why undertaken; method of travel; why Franklin did not stay in New York city; London.

d Business: the newspaper; marriage; the shop; *Poor Richard's Almanac.*

e Inventor: the Franklin stove; how flying a kite made Franklin famous.

f A good citizen of Pennsylvania: founding a library; the high school and what grew out of it; plan for uniting the colonies; postmaster general of the colonies; agent for Pennsylvania in England.

g The first great American: the Continental Congress and the Declaration of Independence; getting aid from France; the treaty of peace with England; the Constitutional Convention.

Map work. Trace Franklin's first journey from Boston to Philadelphia.

Collateral reading

History

Dawes. Colonial Massachusetts, p. 143–61
Hart & Hazard. Colonial Children, p. 197–99
Williams. Some Successful Americans, p. 173–94

Biography

Ford. *The Many Sided Franklin
Hubert. *Inventors, p. 9–44
Fisher. *The True Benjamin Franklin
Franklin. Autobiography
——— Poor Richard's Almanac
Brooks. True Story of Franklin

15 Montcalm and Wolfe

a Why Montcalm was sent to America: the land LaSalle claimed for France, and why the English wanted it; the routes by which the English could pass the Alleghenies; the chain of forts built by the French.

b Beginning of the French and Indian War: why Washington was sent to the French commander; the battle of Great Meadows; Fort Duquesne; Braddock's defeat.

c Montcalm drives back the English: Fort William Henry; Ticonderoga.

d Wolfe: boyhood; love for his mother; early service; ill health; at Louisburg.

e Taking the country from the French: Louisburg and why its capture was bad for the French; Fort Duquesne; Fort Frontenac; Niagara; Ticonderoga.

f Wolfe commands the expedition against Quebec; importance of Quebec; difficulties in its capture.

g The capture of Quebec; the deaths of Wolfe and Montcalm.

Map work. Locate on an outline map the line of French forts from Louisburg to Duquesne. Locate the English forts, Oswego, William Henry, and Edward.

Collateral reading

History

Pratt. Later Colonial Period, p. 29–88
Williams. Stories from Early New York History, p. 215–2
Drake. *Taking of Louisburg
Fiske. * Dutch and Quaker Colonies in America
Parkman. * Montcalm and Wolfe
Wade. Old Colony Days

Fiction

Henty. With Wolfe in Canada
Cooper. The Last of the Mohicans
Altsheler. A Soldier of Manhattan
Parker. * The Seats of the Mighty

16 Sir William Johnson, the Indian's friend

a Early home in Ireland; Sir Peter Warren's estate on the Mohawk; managing his uncle's estate; becomes a great landowner.

b His homes at Aiken and Johnstown.

c Relations with the Indians: becomes an Indian chief; Indian commissioner for King George; keeping the friendship of the Iroquois and saving New York for the English.

d The last French and Indian War; Lake George; Niagara.

e Pontiac's War and the great council at Niagara.

Collateral reading

History

Gordon. Pontiac the Chief of the Ottawas
———— Red Jacket, the Last of the Senecas
Eggleston. * Brant and Red Jacket
Williams. Stories from Early New York History, p. 129–50
Halsey. * The Old New York Frontier

Biography

Buel. Sir William Johnson

Fiction

Frederic. * In the Valley
Chambers. * Cardigan
Stoddard. The Fight for the Valley
———— On the Old Frontier
Tomlinson. The Soldier of the Wilderness
———— The Fort in the Forest
———— With Flint Lock and Fife
Monroe. At War With Pontiac

17 Local history

a The oldest houses in the village or city: when built; who lived in them; relatives in school of people who built these houses.

b Industries: old factories; old stores; early industries of the village or city.

c Inhabitants: any people who have lived in the village or city who took part in the War of the Revolution; in the War of 1812; in the Mexican War; in the Civil War.

Map work. Any old maps of the village or city.

References. County or local histories; inscriptions in cemeteries.

18 Government

a Streets: by whom are streets repaired, cleaned, lighted; who pays for the care of the streets?

b Schools: who pays the teachers, janitor, for fuel and repairs, from what source do they get the money?

c Order: who keeps order in the village or city; who furnishes the money to pay the constable or policeman?

d Local taxes: who says how much each shall pay?

e Indirect taxes: who pay indirect taxes; how indirect taxes are paid; from what source comes the money to pay postmasters, and the President of the United States?

Collateral reading

Two or three textbooks on elementary civics, such as:
Forman. First Lessons in Civics
Dole. The Young Citizen
Judson. The Young American
Hill. Lessons for Junior Americans

SIXTH YEAR

Note. In beginning the study of men of the Revolution much care and ample time must be taken to explain the meaning of the words used. Hitherto the lives of men of action have been studied; now it becomes necessary to consider to some extent the work of men of thought.

The first thing to determine is how much and what sort of knowledge the child has for a foundation. In villages the annual school meeting will help to explain the town meeting; the school board may illustrate representative government, while the principal of the school stands for the executive or governing power. In cities a study of the principal duties and choice of common council and mayor may well be introduced at this point. In all cases it should be clearly shown that the taxing power belongs either to the people or to those whom the people have chosen. All necessary time, weeks if need be, should be taken for the work indicated.

When clear ideas in regard to local government shall have been fixed, it will be well to introduce the stories of Magna Charta and the execution of Charles I, emphasizing only the point that the quarrel between the kings and the people was in regard to the right to levy taxes.

1 Patrick Henry

a The days when there was no president and the bands played *God Save the King.*

b Why King George 3 wanted money from the Americans.

c How King George 3 tried to get money from the Americans: the stamp tax. (The Stamp Act can be explained by the stamp taxes levied by the United States during the Civil War, and the War with Spain. Show canceled stamped checks or stamped legal papers.)

d Why Patrick Henry thought Americans ought not to pay stamp taxes and what he said about it; treason and its punishment.

e What Patrick Henry said later when King George 3 was punishing Boston.

Map Work. Locate Williamsburg and Richmond.

Collateral reading

History

Cooke. * Stories of the Old Dominion, p. 159–80

Biography

Brooks. Century Book of Famous Americans, p. 92–112

Patrick Henry. ' The War Inevitable '

2 **Samuel Adams**

a Samuel Adams and the Stamp Act: what Samuel Adams thought about it; what he did about it — the protest sent to England.

b The Boston Massacre: why British soldiers were in Boston; why Governor Hutchinson wanted soldiers in Boston; why the people did not want soldiers in Boston; the riot; the town meetings; "Both regiments or none."

c The Boston Tea Party: why the people did not want the tea; why King George 3 wanted the tea landed; the gathering in the old South meetinghouse; "This meeting can do nothing more to save the country"; making tea with salt water.

d Lexington and Concord: why the soldiers were sent to Lexington and Concord; Paul Revere; escape of Hancock and Adams; the minutemen; Lexington Green and Concord Bridge.

e Bunker Hill: the British besieged; why the British attacked Bunker Hill; effect of Lexington and Bunker Hill in other colonies.

Map work. Locate Boston, Lexington, Concord, Charlestown.

Collateral reading

History

Brooks. Stories of the Old Bay State, p. 118, 135
Dawes. * Colonial Massachusetts, p. 42–72
Brooks. Century Book of the American Revolution, p. 1–68

Poetry

Longfellow. Paul Revere's Ride
Emerson. Concord Hymn
Pierpont. Warren's Address
Stevenson. Poems of American History

Fiction

Cooper. * Lionel Lincoln
Butterworth. The Patriot Schoolmaster
Adams. Watch Fires of '76

3 **George Washington, February 22, 1732**

a Boyhood: birthplace; the plantation home near Fredericksburg; Washington's mother and his brother Lawrence; early schooling; sports; riding the colt; copy books.

b The surveyor: life at Mount Vernon; Lord Fairfax; surveying in the Shenandoah valley; becomes owner of Mount Vernon.

c The French and Indian War: 1000 miles through the forests in winter; perils of the return; the fort at the head of the Ohio; Great Meadows; Fort Necessity; Braddock's defeat; capture of Fort Duquesne; return to Mount Vernon and marriage.

d Life on a Virginia plantation; the Second Continental Congress; Washington chosen commander in chief; refusal of salary.

e General Washington: taking command at Cambridge; how Washington got powder and cannon; the siege of Boston.

f Washington in New York, New Jersey and Pennsylvania: the Battle of Long Island; the retreat across New Jersey; Trenton and Princeton; Brandywine; Germantown; Valley Forge.

g Yorktown: how Cornwallis came to Yorktown; how Washington fooled the British in New York city; the French fleet; the surrender.

h Difficulties overcome: Valley Forge; treason of Lee; Arnold and André.

i The friends of Washington: Greene; Morgan; Marion; Lafayette; Steuben; Robert Morris.

Map work. Locate Fredericksburg, Mount Vernon, Allegheny and Monongahela rivers, Presque Isle, Fort Le Boeuf, Venango, Fort Duquesne, Fort Necessity.

Locate Boston, Brooklyn, New York, the Delaware river, Trenton, Princeton, West Point, Brandywine Creek, Philadelphia, Germantown, Valley Forge, White Plains, Yorktown.

Collateral reading

History

Hart & Hill. Camps and Firesides of the Revolution, p. 261–66
Cooke. * Stories of the Old Dominion, p. 94–139

Biography

Scudder. Life of Washington
Mitchell. Youth of Washington
Brooks. True Story of Washington
Hapgood. * George Washington

Poetry

Bryant. Song of Marion's Men

Fiction

Butterworth. Boys of Greenway Court
———— Knight of Liberty
Tomlinson. Washington's Young Aids
Stoddard. The Red Patriot
Seawell. A Virginia Cavalier
Stevenson. A Soldier of Virginia
Mitchell. * Hugh Wynne
Lossing. * Two Spies
Hoppus. * The Great Treason

4 **Philip Schuyler, and Saratoga, 1777**

a How three British armies planned to meet at Albany; why the British plans were dangerous to Washington.

b Schuyler's defense of New York State: the loss of Ticonderoga; reasons for the loss; fighting with axes; a mile a day; reasons for Schuyler's defeat; why delay was bad for Burgoyne; the murder of Jane McCrea.
c How John Stark helped Schuyler; Bennington.
d How Herkimer helped Schuyler; Oriskany; Fort Stanwix; the Stars and Stripes; Arnold's trick.
e Burgoyne surrounded; Gates steals Schuyler's victory; Bemis Heights; Schuylerville; the surrender.
f Kindness of Schuyler to the prisoners.
g Saratoga and aid from France.
Map work. Locate Montreal, Lake Champlain, Lake George, Ticonderoga, Whitehall, Bennington, Fort Edward, Bemis Heights, Stillwater, Oswego, Fort Stanwix, Oriskany.

Collateral reading

History

Prentice. *History of New York State, p. 262–75
Williams. Stories from Early New York History, p. 182–99
Brooks. Century Book of the American Revolution, p. 159–73
Hart & Hill. Camps and Firesides of the Revolution, p. 253–65, 272–79

Biography

Tuckerman. * Philip Schuyler

Fiction

Tomlinson. Two Young Patriots
Otis. Boys of Fort Schuyler
Altsheler. The Sun of Saratoga
Thompson. The Green Mountain Boys
Frederic. * In the Valley

5 Nathaniel Greene

a Early life.
b How Greene became a soldier.
c Greene at the South: Cowpens; beating the enemy by running away; Guilford Court House; winning back Georgia and South Carolina.
Map work. Locate Savannah; Charleston; Camden; King's Mountain; Cowpens; Guilford Court House; Wilmington, N. C.; Yorktown.

Collateral reading

Biography

Greene. * General Greene

Fiction

Frost. The Swamp Fox

6 John Paul Jones, and other naval heroes

a Youth and early life.
b Capture of Nassau.
c Carrying the war to England.
d The Bon Homme Richard.

e How England treated American ships and sailors after the Revolution; the second war with England.

f Oliver Hazard Perry: his boyhood; school life and early cruises; why a British fleet was on Lake Erie; "We have met the enemy and they are ours."

g McDonough: Burgoyne's old plan of invading New York; the battle of Plattsburg; why the British army feared to advance.

Map work. Locate Nassau, Whitehaven, Flamborough Head, Put-in-Bay, Lake Erie, Montreal, Richelieu river, Lake Champlain, Saranac river, Plattsburg.

Collateral reading

History

Abbott. Blue Jackets of '76, p. 83–154
Beebe. Four American Naval Heroes, p. 17–68, 75–130
Roosevelt. * Naval War of 1812, p. 375–98
Williams. Stories from Early New York History, p. 259–64

Biography

Abbott. Paul Jones
Brady. Paul Jones
Sewell. Paul Jones
Hapgood. * Paul Jones

Poetry

Key. The Star Spangled Banner
Holmes. Old Ironsides
Stevenson. Poems of American History

Fiction

Cooper. * The Pilot
Barnes. The Hero of Lake Erie
Otis. With Perry on Lake Erie
———— With Porter on the Essex
Seawell. Decatur and Somers
———— Midshipman Paulding

7 Thomas Jefferson

a College life: industry; acquaintance with Patrick Henry; the two great speeches of Patrick Henry which Jefferson heard.

b The Continental Congress: why Americans were angry at King George; writing the Declaration of Independence; signing the Declaration; how the Declaration was received; why we celebrate July 4.

c Jefferson's home: Monticello; hospitality and politeness.

d Jefferson's work in Virginia: changing the laws of inheritance and taxation; founding the University of Virginia.

e President of the United States: the purchase of Louisiana; Lewis and Clarke's expedition.

Map work. Locate Charlotteville, Williamsburg; the approximate boundaries of the Louisiana Purchase.

Collateral reading

History

Cooke. * Stories of the Old Dominion, p. 180, 187
Hart & Hill. Camps and Firesides of the Revolution, p. 172–75

Biography

Brooks. Century Book of Famous Americans, p. 117–35
Merwin. * Thomas Jefferson

Fiction

Butterworth. In the Days of Jefferson
Johnston. * Lewis Rand
Churchill. * The Crossing

8 Alexander Hamilton

a Boyhood of Hamilton: birthplace and early life; confidential clerk; student in King's College (Columbia); why Hamilton did not go to Princeton.

b New York city before the Revolution: Sons of Liberty and Tories; New York's tea party; Hamilton addresses a public meeting; holding back a mob.

c In the Revolution: drilling artillery; aide to Washington; at Yorktown.

d Bad times after the war: different kinds of money; worthless money; disputes about taxes; disputes about boundaries; Hamilton's cure, a constitution; the constitution a written agreement.

e Secretary of the Treasury: the inauguration of Washington; the nation must pay its debts; the United States Mint.

f The duel: why Hamilton fought Burr; Burr's disgrace.

Collateral reading

History

Blaisdell & Ball. Hero Stories from American History, p. 138–55

Biography

Brooks. Century Book of Famous Americans, p. 49–63
Burton. Four American Patriots, p. 71–130
Sparks. * The Men Who Made the Nation, p. 151–80

Fiction

Atherton. * The Conqueror
Ogden. Loyal Little Red Coat

9 Daniel Boone

a Boyhood: birthplace and education; what Boone learned in the woods; his spelling.

b Boone in Kentucky: why Boone went to Kentucky; first capture by the Indians; the road through Cumberland Gap; Boonesborough; capture of Boone's daughters; second capture of Boone and his escape; defense of Boonesborough.

Map work. Locate North Carolina, Kentucky, Cumberland Gap, Boonesborough, the Kentucky river, Lexington.

Collateral reading

Biography

Thwaites. * Daniel Boone
Lindsay. * Daniel Boone
McMurray. Pioneers of the Mississippi Valley
Perry & Beebe. Four American Pioneers, p. 11–68
Hart & Hill. Camps and Firesides of the Revolution, p. 102–16

Fiction

Bogart. A Border Boy

10 Andrew Jackson

a Boyhood: personal appearance; early poverty; the young captive; the scars of the Revolution; the death of mother and brothers; love of horses; education.

b The pioneer: the rough frontier; fighting for order; the duel with Dickinson.

c The War of 1812: Fort Mimms; fighting famine; mutiny and Indians; Pensacola; New Orleans.

d President: life at the Hermitage; election; death of Mrs Jackson; South Carolina and the taxes; Webster's speech *Union and Liberty*; "The Federal Union, it Must and Shall be Preserved," "Send for General Scott."

Map work. Locate Nashville, Pensacola, New Orleans.

Collateral reading

History

Parton. * General Jackson

Biography

Burton. Four American Patriots, p. 133–92
Brooks. Century Book of Famous Americans, p. 162–72
Blaisdell & Ball. Hero Stories from American History, p. 185–98
Brown. * Andrew Jackson

Fiction

Stoddard. The Errand Boy of Andrew Jackson

11 Henry Clay

a "The Mill Boy of the Slashes."

b Life in Richmond: work and study; the debating club.

c The Lexington lawyer: kindness to poor clients; Ashland.

d The young Congressman: the War of 1812 and sailor's rights; the Cumberland road.

e What slavery was.

f The great peacemaker: Missouri, free state or slave state; the Compromise of 1820; California, free state or slave state; the Compromise of 1850; "I would rather be right than President."

Map work. Locate Richmond, Va.; Lexington, Ky. Trace the Cumberland road; Cumberland, Md.; Wheeling; Columbus, O.; Indianapolis; Terre Haute; Vandalia.

Collateral reading

History

Clay. Speech on War of 1812 (last five paragraphs). U. S. Reader, p. 284–85

Biography

Cravens. * Story of Henry Clay
Brooks. Century Book of Famous Americans, p. 145–55
Williams. Some Successful Americans, p. 155–71

12 Daniel Webster

a Boyhood: birthplace and parents; learning the Constitution; school days.

b Youth: college life; brother Ezekiel; teaching school; the law student who persevered.

c Congress: associates in Congress, Clay and Calhoun; questions discussed; tariff laws and the right of a state to disobey; the great speech *Union and Liberty*; declamations of the boys who afterwards became the " Boys in Blue."

d Why not President Webster: explanation of " Fugitive Slave Law "; why Webster spoke for it; loss of friends; life at Marshfield; fondness for the country and sea; appearance of Webster; his voice; love for the flag.

Map work. Locate Franklin and Hanover, N. H.; Portsmouth; Boston; Marshfield.

Collateral reading

Biography

Baldwin. Four Great Americans, p. 125–86
Brooks. Century Book of Famous Americans, p. 37–48
Hart & Chapman. How Our Grandfathers Lived, p. 28–31, 341–44
Webster. Reply to Hayne (last paragraph)

13 Eli Whitney and Elias Howe

a How Whitney obtained a college education.

b At the home of Mrs Greene.

c The cotton gin; the uses of cotton; the cotton boll · the old way of picking out the seed; Whitney's invention.

d Importance of the cotton gin.

e How clothing was made before sewing machines were known.

f Elias Howe: the young machinist; his poverty; what made him invent the sewing machine; why people at first would not use his machine; his triumph; his generosity.

Collateral reading

Biography

Mowry. American Inventions and Inventors, p. 148–52
Hubert. Inventors, p. 69–99, 99–111
Williams. Some Successful Americans, p. 147–53

14 Fulton, Clinton and Stephenson

a Fulton: early modes of travel; why settlements were made by the water; sailing boats; length of voyage across the Atlantic; canoes, how made; why people traveled by water in colonial times.

b The boy Fulton: early studies and inventions; plays.

c Fulton in Europe: purpose in going to Europe; torpedo; diving boat; the steamboat on the Seine.

d The Clermont: ridicule; first voyage; surprise occasioned.

e The first ocean steamship: time it takes now to cross from America to England; size of ocean liners; number of passengers accommodated.

f From Albany to Buffalo in early times: cost of carrying a bushel of wheat from western New York to New York city and time taken to make the trip; present cost.

g De Witt Clinton: his plan; the Erie canal; opening of the canal; cities that have grown up along the canal.

h How fast people could travel by stage coach or on horseback; how fast now by railway.

i George Stephenson and the first railroad in England.

j Early railways in America: how many days now from New York to San Francisco?

Map work. Locate Lancaster, Pa.; the Seine; New York; Albany; trace the route of the Erie canal and locate the prominent cities on it; trace the routes of the early railways in New York State; Albany to Schenectady; New York to Chatham; New York to Albany.

Collateral reading

History

Earle. * Home Life in Colonial Days, p. 325–28
———— * Stage Coach and Tavern Days

Biography

Hubert. Inventors, p. 45–69
Mowry. American Inventions and Inventors, p. 194–228
Hart & Chapman. How Our Grandfathers Lived, p. 102–4

15 Lincoln

a The boy: birthplace; his father; his mother; his first home; furniture; dress; food and cooking; removal to Indiana; all winter in a half-faced camp; clearing the land; death of mother; Abe's letter to the minister; remembrance of his mother; the stepmother; what she did for Abe and what she afterwards said about him; books that Abe read; the kind of schools he attended; the first book that he bought; removal to Illinois; why and how the Lincoln family moved.

b Life in Illinois: fencing the farm; buying trousers with rails; appearance of Lincoln; strength and courage; journeys to New Orleans; the slave market; keeping store; "Honest Abe"; studying grammar; the Black Hawk War; the unfortunate storekeeper; law studies; surveying; Lincoln's regard for Henry Clay; reading the newspapers.

c Lincoln the lawyer: in the Legislature; removal to Springfield; riding the circuit; kindness of heart; marriage and Springfield home.

d Lincoln the politician: the great question—shall there be any more slave states; the fight between northern and southern men in Kansas; Dred Scott; John Brown; Lincoln says the Declaration of Independence means that the negro is entitled to "life, liberty, and the pursuit of happiness" and that there should be no slavery allowed in new states.

e President Lincoln: why the South disliked the North; what Lincoln intended to do in regard to slavery; the new republic of Southern States; firing on Fort Sumter and the flag; "Rally round the flag boys"; "We are coming Father Abraham five hundred thousand more."

f Commander in chief of the army and navy: the blockade; "On to Washington"; "On to Richmond"; Bull Run; the Monitor and the Merrimac; Antietam and the Emancipation Proclamation; Gettysburg; Vicksburg; Lincoln finds the man who could finish the war; the death of Lincoln.

Map work. Locate Springfield, Ill.; Fort Sumter, Washington, Richmond, Antietam, Hampton Roads, Gettysburg.

Collateral reading

History

Hart & Stevens. Romance of the Civil War, p. 1–112
Kieffer. Recollections of a Drummer Boy

Biography

Nicolay. The Boys' Life of Abraham Lincoln
Cravens. * Story of Lincoln
Baldwin. * Abraham Lincoln
Tarbell. * Life of Lincoln
———— He Knew Lincoln
Brooks. True Story of Lincoln
———— Century Book of Famous Americans, p. 193–210
Lincoln. Last paragraph of second inaugural

Poetry

Howe. Battle Hymn of the Republic
Whitman. O Captain! My Captain!
Whittier. Barbara Frietchie
Markham. Lincoln, the Great Commoner
Stevenson. Poems of American History

Fiction

Butterworth. Boyhood of Lincoln
Churchill. * The Crisis
Andrews. The Perfect Tribute
Gerry. The Toy Shop
Moore. Life of Lincoln

16 **Grant**

a Boyhood: school; work; play.

b West Point.

c In the Mexican War: causes of the Mexican War; the daring ride at Monterey; the gun in the belfry.

d Farmer and business man.

e The silent general who won victories: Fort Henry and Fort Donelson; "Unconditional and immediate surrender"; Shiloh; Vicksburg.

f Closing in on Richmond: Sherman and his march to the sea; Sheridan; the battle of the Wilderness; "I propose to fight it out on this line if it takes all summer"; the surrender at Appomattox; kindness to the conquered.

g President Grant.

h The greatest fight: the trip around the world; business failure of Grant and Ward; the struggle with disease; finishing the Memoirs; funeral and tomb.

Map work. Locate West Point, Monterey, Mexico, Fort Henry, Fort Donelson, Shiloh, Vicksburg, Appomattox.

Collateral reading

History

Hancock. * Life at West Point
Hart & Stevens. Romance of the Civil War, p. 179–83, 189–91, 257–59

Biography

Wister. U. S. Grant
Brooks. True Story of Grant
Grant. * Personal Memoirs
Brooks. Century Book of Famous Americans, p. 173–91
Burton. * Four American Patriots, p. 195–254
Allen. Ulysses S. Grant

Poetry

Read. Sheridan's Ride
Finch. The Blue and the Gray
Drake. The American Flag

17 Lee

a Birth and education: Light Horse Harry Lee; West Point.

b The Mexican War.

c Arlington, the beautiful home of Lee.

d Choosing between the flags.

e Men who helped Lee: Stonewall Jackson; J. E. B. Stuart.

f Defending Richmond: The Seven Days' Battle; Manassas and the defeat of Pope; Fredericksburg and the defeat of Burnside; Chancellorsville and the defeat of Hooker.

g The final struggle with Grant: the Wilderness; Petersburg; Appomattox.

h College president.

Map work. Locate Alexandria, Richmond, Malvern Hill, Manassas, Fredericksburg, Chancellorsville, Petersburg.

Collateral reading

Biography

Lee. * General Lee
Cooke. * Robert E. Lee
Williamson. * The Life of Lee

18 Farragut

a Boyhood: early loss of mother; what Farragut's father told him when he was 10 years old.

b Lieutenant and commander: taking Lafayette home; building a navy yard; commanding the Brooklyn, the first steam war vessel.

c The Civil War: choosing between friends and country; the capture of New Orleans; Mobile bay — in the rigging of the Hartford.

d Other famous naval officers in the Civil War: Lieutenant Worden and the Monitor; Captain Winslow and the destruction of the Alabama; Lieutenant Cushing and the Albemarle.

e One of Farragut's pupils, George B. Dewey, and what he did at Manila bay.

Map work. Locate Valparaiso, Mare island, New Orleans, Mobile bay, Plymouth, N. C., Cherbourg.

Locate Hong Kong, Manila bay.

Collateral reading

History

Hart & Stevens. Romance of the Civil War, p. 171–79, 313–15, 347–79
Hart. * Source Book, p. 313–15

Biography

Beebe. * Four American Naval Heroes, p. 133–92, 201–54
Mahan. * Admiral Farragut
Johnson. The Hero of Manila
Barnes. Midshipman Farragut

19 Clara Barton

a The Sanitary Commission: Clara Barton; Dorothy Dix; Mary Livermore.

b The Red Cross: Miss Barton joins the Red Cross Society in Germany; the purpose of the American Association of the Red Cross; the Johnstown flood; the civil war in Cuba; the War with Spain.

Collateral reading

History

Hart & Stevens. Romance of the Civil War, p. 381–93; 395–403; 413–18

20 Cyrus McCormick

a Old time mowing, reaping, and threshing.

b Cyrus McCormick's invention.

c The great reapers used in the West.

d Why seven times as many men as formerly may live in cities.

Map work. Locate on a map of the United States the states in which the reaper does its greatest work.

Collateral reading

Biography

Mowry. American Inventions and Inventors, p. 117–23
Hubert. Inventors, p. 207–23
Williams. Some Successful Americans, p. 79–89

21 S. B. F. Morse and the electric age

a Early methods of signaling: fires; smoke; semaphores; flags; mirrors.

b Morse, the boy, the student, the artist; school life; at Yale; experiences in England; the first thought of the telegraph.

c 11 years of trial: poverty; disappointments; help of friends; help from Congress.

d The first telegraph line: the first message; the first news; queer ideas in regard to the way messages were sent.

e Cyrus Field and the Atlantic cable: the four attempts and the 13 years of failure; importance of the cable.

f Alexander Graham Bell and the telephone: teaching the deaf to speak; exhibition of the telephone in 1876; what the telephone does.

g Marconi and wireless telegraphy.

h Progress in lighting: Franklin, the young candle maker; how Lincoln got light; whale oil lamps; kerosene; gas; the electric light.

i Edison, the boy: the enterprising newsboy; how Edison came to learn telegraphy; operator at 15; studying, work, and buying books.

j The inventor: making one wire do the work of six; improving the telephone; the phonograph; the kinetoscope; the story of the incandescent lamp.

k How Franklin printed his paper: Richard M. Hoe and the cylinder press.

Collateral reading

History

Eggleston. Stories of American Life and Adventure, p. 66–74
Hart & Chapman. How Our Grandfathers Lived, p. 220–23
Earle. * Home Life in Colonial Days, 32–51

Biography

Mowry. American Inventions and Inventors, p. 67–89, 265–94
Hubert. Inventors, p. 111–55, 223–70

DRAWING AND ELEMENTARY HANDWORK

The following syllabus is intended for helpful suggestion to the teacher and supervisor of the elementary grades. It is not a rigid outline to be strictly followed. It is the *child* — not the *course of study* — which should be taught.

"As the course of adult life is determined by environment, so a course of school work is determined by conditions of child life," and as these conditions vary in different localities, so will courses of study and methods of procedure change to suit the varying conditions, though the general phases of the work will remain the same.

As will be noted, the general lines of work are summed up under the following heads:

Nature drawing and Color
Constructive drawing and Design
Pictorial drawing and Composition
Plant drawing and Decoration

One line of the work should not be abruptly taken up to the exclusion of what has gone before, but there should be an orderly progression from one phase through another, appreciation and good taste being the ideal from the beginning.

In the well rounded course, construction should be as forcibly emphasized as the free-hand drawing, for both sides of the art work are of equal importance in the development of the child, consequently in the more specific outline which follows the general course, it will be noted that "Making" is given its place throughout the year.

Again, it is not expected that any teacher will attempt *all* that is given in this syllabus. Judgment and common sense should be used, and that work most suited to local conditions should be utilized.

School and home decorations are essential topics for consideration in the schools, and for this purpose, picture study has been suggested for each year. Though the work in design should mean and include the study of decoration beyond the field of the schoolroom, yet a study of pictures hardly comes under that head. At the same time, pictures constitute an important and universal means of decoration and we should all know which are good, and why, and

become familiar with as many of the best works in painting, sculpture and architecture as possible. In no other state is there so great an opportunity offered for advantageous work along this line as in New York. The Division of Visual Instruction with its 300,000 lantern slides, 28,000 photographs, and 1800 wall pictures ready for loaning throughout the State should be a great help in this important phase of education and should become a working asset for every teacher.

No time allowance is specified, as this differs in various parts of the State. Also conditions may not allow of an equal amount of work in different localities, though the same time be given to it. Therefore, one should gather from the following suggestions what will help most in the allotted time.

The teacher should not feel compelled to use *only* the drawing period for that subject, nor that time for drawing alone. The school period spent in drawing plants and animals as a part of the nature study work may in reality be the best sort of a drawing lesson. Correlation has been emphasized throughout the syllabus. In brief, the drawing and manual training should be made of practical use throughout the child's school life, that it may assert its educational value as a common means of expression. It should be utilized as a help in other studies; observation in the nature and object drawing should lead to a keener mental attitude in language; the study of design should mean neatness and order in the written work; the making and construction work may be used in arithmetic; and again, the arithmetic should be used in constructive design, the nature study in nature drawing, and geography in illustrative drawing. In other words, the drawing should be made of vital importance to the child, for his mental, physical and spiritual uplift.

The following general course, including all years, is immediately followed by a more detailed outline for each year.

FOR ALL YEARS

Nature drawing and Color — September and October

These months are rich in nature material. Grasses, berries and fruits are abundant. The sequence in plant drawing is as follows:

1 Movement of growth and direction, as expressed in line

2 Branching, as expressed in angle and division of spaces

3 Proportion of parts, as expressed in mass, or relative size of flower and leaf and stem

4 Massing of plants, as expressed in silhouette, accuracy in growth and proportion within a given space

5 Foreshortening of parts rendered in two values

6 Appearance of the whole as rendered in values, with great care in observation

7 Structure

8 Textures

9 Beauty

Each child should be provided with a specimen, otherwise interest and effective drawing are weakened and half the value of the work is lost. As in the nature syllabus so in the drawing, "Nature study that is of educative value emphasizes the study of things first hand."

The sequence in color is as follows:

1 Spectrum color

2 Standard hues

3 Value

4 Intermediate hues

5 Scale of value

6 Scale of intensity or chroma

7 Complimentary hues

8 Harmonies of neighboring colors

9 Harmonies of complementary colors

Teachers should know the place in the sequence held by the work of each grade. Therefore they should familiarize themselves with the work of the previous grade and also that of the grade following.

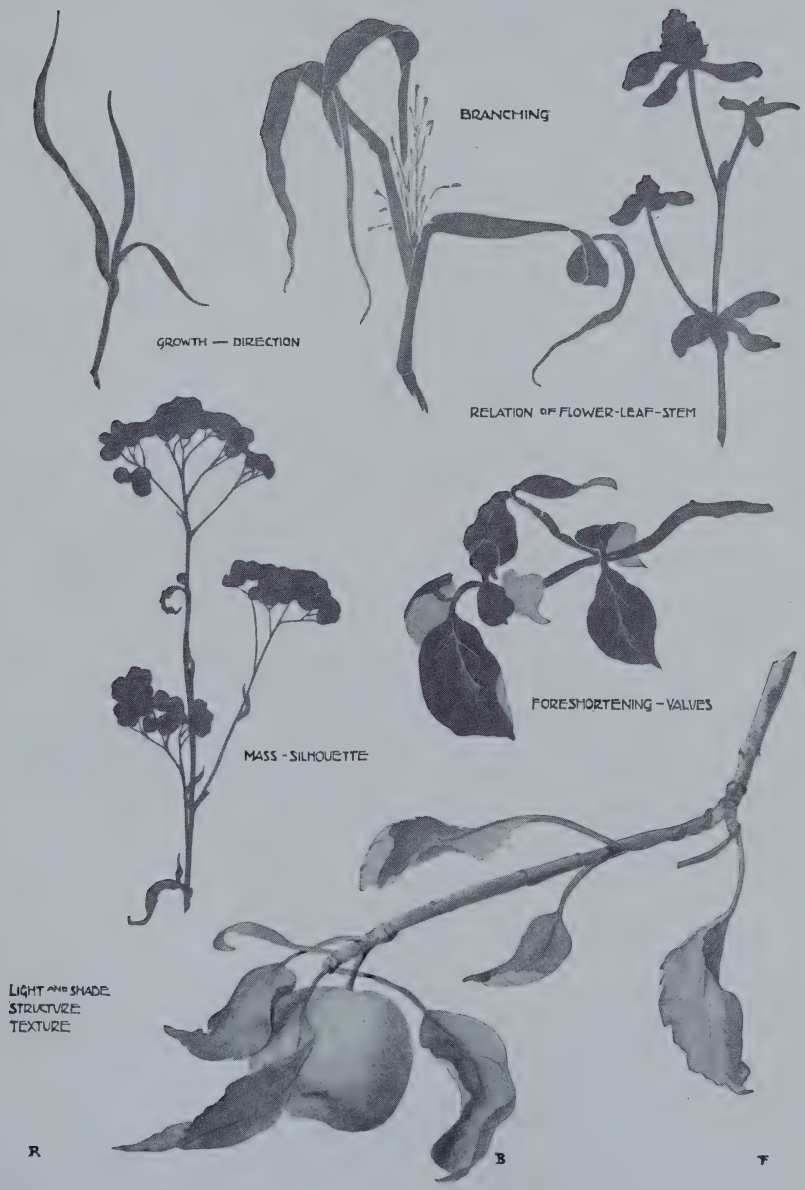
For definitions of the above color terms — hue, value and chroma *see* the Century Dictionary.

In brief they are as follows:

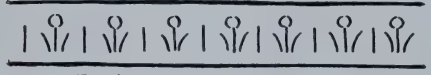
"Hue" signifies the color itself as red, yellow etc. It becomes a different hue when another color is added, as red yellow, yellow green, etc.

"Value" denotes the amount of light in a hue. White makes the hue lighter in value, black makes it darker in value. A red may be light or dark.

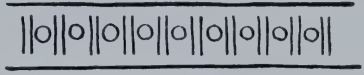
"Chroma" describes the amount of color in the hue. It may be a weak red or a strong red, a gray red or a brilliant red.


BRANCHING
GROWTH — DIRECTION
RELATION OF FLOWER-LEAF-STEM
FORESHORTENING – VALVES
MASS - SILHOUETTE
LIGHT AND SHADE
STRUCTURE
TEXTURE
R
B
F

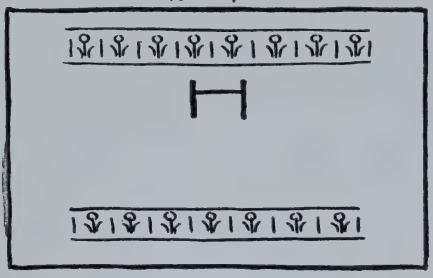
Rhythmic Repetition

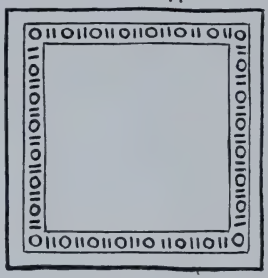


Border suggesting Nature



Geometric Suggestion

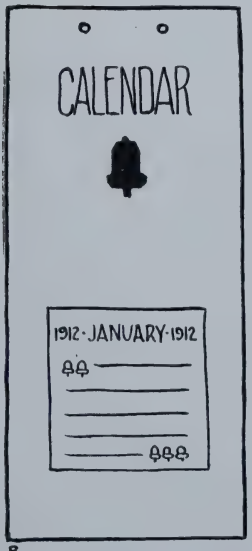


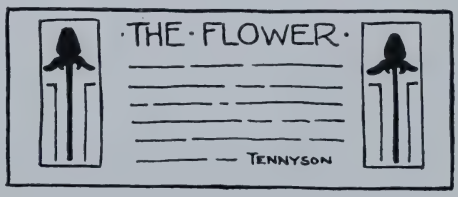


Application of Borders to Booklet and Mat

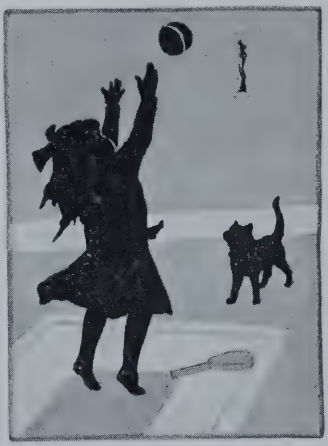
Nature Units

Conventionalized





R B F



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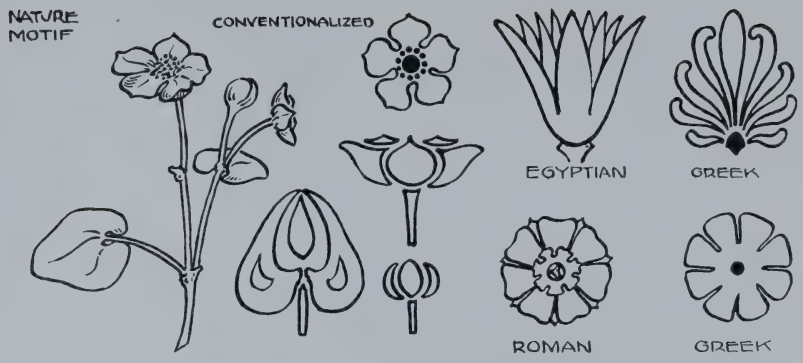
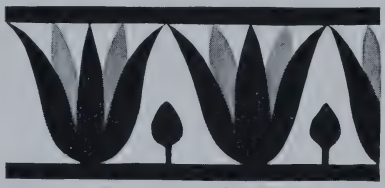
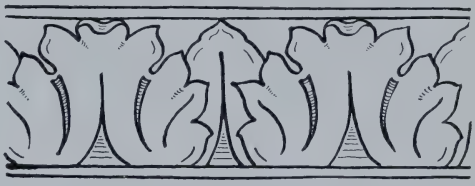


CONVENTIONALIZED



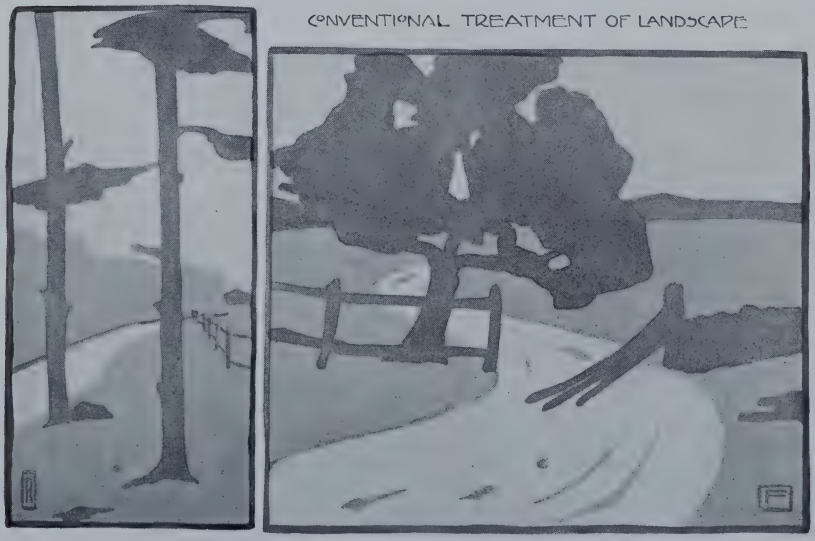
EGYPTIAN

GREEK



ROMAN

CONVENTIONAL TREATMENT OF LANDSCAPE



Constructive drawing and Design — November, December and January

In the lower grades the constructive drawing is reduced to a minimum. In the intermediate grades it receives more attention and requires greater precision. In the upper grades it demands the utmost accuracy of which the pupils are capable. Constructive terms should be made familiar from the beginning through correct use.

The problems in design in the lower grades should be selected with an eye upon the interests of children. All constructive work should be of immediate practical value; work which will last at least a week without being propped up. There is a tendency toward the making of flimsy paper objects, which violate one of the first principles of constructive design — stability. As soon as possible the teacher should bring about the best production and appreciation of good design. The spirit of Thanksgiving and Christmas should inspire the work of these months. These days of giving and receiving should bring about a genuine motive for productive effort.

The work in drawing and design should be so closely allied to language as to be part and parcel of it. This is emphasized in the English syllabus. "The teacher should make the pupil's ideas, thought and fund of facts more full and varied, and his knowledge more definite." Drawing with the language clarifies the knowledge.

Pictorial drawing and Composition — February and March

Pictorial drawing should begin in simple mass and outline and proceed along the line of the child's interest — playthings, objects of daily use, domesticated animals — to the representation of the peculiarities in form and position as presented by an object before them. Wherever the child needs to describe any objective thing accurately in words he would better draw it first. In half of the school work he should find his drawing pad his best ally. Younger children show no particular interest in perspective effects. Do not aim to focus the attention of the pupils upon the proportion, the relative widths and hights of objects before the third grade. After that the teacher should lead them to record the effects of distance and of foreshortening. After the fifth grade children must begin to develop accurate and skilful use of brush and pencil. Drawing

should become as common a means of expression as language. Pictorial drawing should be more vital, more genuinely useful to the pupils and more evidently a necessity as part of the school work than we have commonly conceived it.

There are two birthdays of national heroes to be celebrated in February. Valentine day has a place in the lives of the children. The aim of pictorial drawing in the primary grades should be to lead pupils to acquire facility in graphic expression. Subject-matter should be determined largely by other school studies — language, history and stories.

The subjects for illustrative sketching, which should be confined to the lower grades, should be those with which the children are familiar, such as occupations, games or fables and stories well known to them. First they must be allowed to tell the story in their own way, then it must be guided expression, and finally, an expression combining carefully selected elements. Gradually and firmly the teacher must see that their representation is faithful to fact. The teacher should not deceive herself in believing that " free expression " is a good excuse for poorly executed work.

Suggestive topics are: car ride; at the beach; the postman; the grocer; the hurdy-gurdy; a rainy day; a sport in winter; skating; the fire drill; a windstorm; the picnic; the parade; the station; breakfast time, etc.

The value in this work lies in developing the habitual use of the pencil as a simple direct means of expression.

The picture study which is suggested throughout each year, will be helpful in connection with picture drawing. The children should be lead by simple questioning, to observe and record the results of their study by direct application to their own work in illustration.

In the early grades the meaning of the picture should be brought out. The action, the sentiment, the various physical conditions existing — as climate, time of year, appearance of persons (young or old), etc. should be studied. In the upper grades it should be given more exhaustive study; simple composition, use of perspective, relation of values, center of interest, etc., as well as a careful observation for the spiritual meaning.

In place of picture study in the advanced years casts of objects and architectural features may be introduced. Pictures, however, are much easier to obtain. Pictures of casts give but a poor presentation of the actual objects and are not recommended. They were made either in the round or relief, and should be studied in

their original form. Architectural ornament is quite readily studied through pictures, for it is not so important for its modeling as it is for its decorative qualities.

Plant drawing and Decoration — April, May and June

Nature is awakening; buds are swelling; the song of birds is in the air; the months are rich with new life. Drawings should be in harmony with the season. The first catkins, the first spring flowers, and the return of the first birds are always of lively interest to children. Nature study and plant and bird life can be combined. Careful observation and analysis should be made of native forms and colors so that children may be led to enjoy the beauty of the springtime. The spring material varies according to locality. In the primary grades, Easter is sure to be the center of interest. Arbor day and Memorial day should be observed in May. In the early grades the work should follow the season and the calendar. In these grades there should be no formal course in representation and design. Small children can practise such elementary processes as are incident to decorative design, as the tinting of their paper by means of the flat wash, working to an outline, and the placing of one unit in reference to others. Beginning with the fourth grade the pupils should learn something of what constitutes a decorative design, a surface repeat, a border, a bilateral unit and a rosette. These items may be taught in connection with the study of flowers, birds and insects of the spring. The designer often goes to spring for his raw material and adapts this material to produce beautiful ornament. The three fundamental principles as given under the study of nature in that syllabus are "recognition," "adaptation," and "utilization." These three apply also in the study of nature and design under the drawing syllabus: recognition of the flowers, and their colors being the first step; conventionalization or the adaptation of the nature motive, the second; and utilization or the application of the design, the third. In the upper grades a simple study of historic ornament is of value in showing correct applications of nature's principles. Historic motives are constantly utilized about us, and a knowledge of these, though necessarily limited, gives the child a sense of participation and power.

FIRST YEAR

September and October — Nature drawing and Color

Drawing. Grasses, sedges and the simpler fall flowers and fruits. Avoid complicated specimens. Use pencils, colored crayons or water colors. Make direct fearless brush strokes, that familiarity and freedom may be gained. Give each child a specimen. City teachers may be able to gather specimens through park officials, or by sending to some country school.

Color. Begin to teach the color names — R, (O), Y, G, B, P. By means of a glass prism throw the colors upon the wall. Have pupils imitate the spectrum with colored pencils. Give special attention to the colors in the specimens drawn. Avoid those with too many colors.

Making. Free cutting suggesting autumn festivities — Hallowe'en pumpkin, etc. cut and colored with crayon or water color. Work centering about the playhouse may also be started at this time — simple furniture, as chair, table etc.

Correlation. Tell the "rainbow story." The school exercises following the observations of nature's movements preparatory to winter and spring, will take the form of language work. Correlate the making with other school work.

Study. The direction and character of growth. Make a pleasing arrangement of the specimen within an oblong. Taste can be developed by taking pains that the sheet is appropriate in size; or by judicious trimming. Strive for keen observation, for the clear mental image makes for the thoughtful representation. Study for vital correlation with all subjects pertaining to this grade.

Picture study. *First Steps,* Millet; *Interior of a Cottage,* Israels; *Hiawatha,* Norris.

November, December and January — Constructive drawing and Design

Drawing. Objects suggested by the harvest time, and objects preparatory to Thanksgiving and Christmas festivities. Use

colored papers, colored pencils and water colors. Draw subjects suitable for work in making, as the illustrations used for Thanksgiving and Christmas cards, etc. Make sketches of the construction work that each child may have more than one idea in regard to his problem.

Design. Free-hand practice of straight and curved lines. Make simple borders for effect of repeat. Design simple ornament appropriate to work in construction. Make decorations for Christmas tree furnishings.

Making. Thanksgiving and Christmas cards. Set up and furnish a Christmas tree, with decorations from colored paper. Suitable mountings of pictures relating to the topics of these months gathered from old magazines, advertising pamphlets, etc. and cut out. Free-hand cutting of toys of colored papers will not only interest the children but will give a good control of hand movement, which is one of the best forms of elementary manual training.

Correlation. Connect the drawing with language work. The study of several different objects which may be related to tell a story is recommended. Pictures cut out and colored will furnish illustrations for written work. Correlate the making with our own history, the Pilgrims etc. as free cutting of the landing of the Pilgrims to illustrate the historical story.

Study. The terms center, above, below, left, right. Straight and curved lines. Under this head study for precision and accuracy in workmanship. Aim high but do not expect too much. Study for simple but good design used for constructive work, with use of simple terms, as unit, repeat, border etc. Order and rhythm in design. One inch measure.

Picture study. *Madonna of Chair,* Raphael; *Mother and Child,* Brush; *Holy Night,* Correggio; *Village Choir,* Lins.

February and March — Pictorial drawing and Composition

Drawing. Illustrative sketches of Christmas and holiday experiences. Winter sports, games, fables and nursery rhymes. Illustrate in any convenient medium. Keep to silhouette or flat effects, as no attempt should be made at perspective. Keep drawings simple, bold, and free as possible, for children are apt to work too intently on minor details. Make simple drawings of the construction work.

Making. Illustrated calendar, bookmark or some such piece of making in the flat. Free cutting for pictorial work to be correlated

with other subjects. Symbols for Washington's and Lincoln's birthday. Use simple modeling merely for free expression.

Correlation. The children can describe, either oral or written, the things that they or some one else have drawn. Clearer observation and clearer expression should be the aim. Have the children discuss their illustrative stories. Let the teacher tell a story, or have the child tell a story, so that the conditions may be placed clearly before the children's minds. Then have them make the drawings. Connect also with geography, history, nature study. Model a mountain of clay or sand, make Indian canoes of paper or clay, model or draw a bird as it is described.

Study. The stories which children illustrate in their drawings should bring out, to some degree, definite action, placing, form and color. Strive for free imagination and definite expression. Sum up in this illustrative work all previous study in regard to nature, constructive and decorative drawing, as well as color.

Picture study. *Children of the Shell,* Murillo; *Angels' Heads,* Reynolds; *A Piper and Pair of Nut Crackers,* Landseer.

April, May and June — Plant drawing and Decoration

Drawing. Objects in colors appropriate to the season, using colored crayons or water colors. Draw also in silhouette, seeking movement and direction. Make and use simple nature units in simple design. Have the flowers drawn in color from the object, if possible.

Design. Review the standard colors. Match colors found in nature and other sources. Teach that nature uses but little strong color with abundance of weaker colors. Design cover for garden booklet. Use printed title and the conventionalized drawing of a flower. Keep it simple but well spaced.

Making. A flower garden booklet. Keep simple, and make but few leaves. Bind simply and use colored design on cover.

Correlation. Simple poems and bits of prose description will furnish good reading and are sure to call up visions easily put into pictorial forms. The various observances of Arbor day, Memorial day and Promotion day become a correlating center. A poem written about a single flower may be used in connection with the flower booklet.

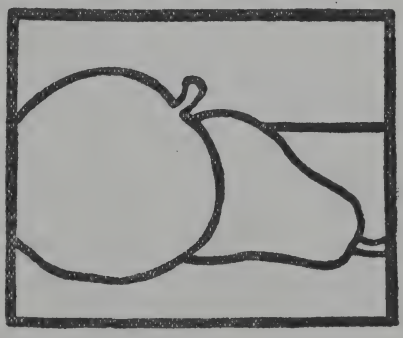
Study. The work should be in harmony with the season. The coming of the first catkins; the coming out of the first flowers and the flying back of the first birds are topics of perennial delight to little children. Study characteristics of each as well as their time of coming. In design, study effects of regular spacing.

Picture study. *Before the Storm,* Dupré; *Age of Innocence,* Reynolds; *Two Families,* Gardner.

SECOND YEAR

September and October — Nature drawing and Color

Drawing. Simple sprays with flowers or seed packs. Make a pleasing arrangement of a leaf or fruit within a frame. Use one color on white, gray or black paper. Use colored pencils or water color, or black pencil. Draw trees in silhouette. Draw fall fruits and vegetables in similar way. City teachers will be able to obtain fruits and vegetables. Those in the country are more fortunate, and can make use of the nature studies from the woods and fields.



Color. Continue to teach the standard colors — R, (O), Y, G, B, P. Have pupils make circles of the purest standard colors. They should be able to roughly classify the various values in these standard colors. Paint flat washes for free handling of brush as well as color study, also for making the necessary tinted papers.

Making. Free-hand cutting suggesting the season of year — jack-o'-lantern, witch etc. with appropriate coloring. Cutting of autumn's vegetables and fruits and composing in simple groups. Clay or plasterline modeling.

Correlation. Wherever possible the drawing work should be the

outgrowth of nature study and language, as well as other studies. The teacher herself must use it or the correlation will seem difficult and uninteresting. Tell a Hallowe'en story and illustrate with free-hand cutting or modeling.

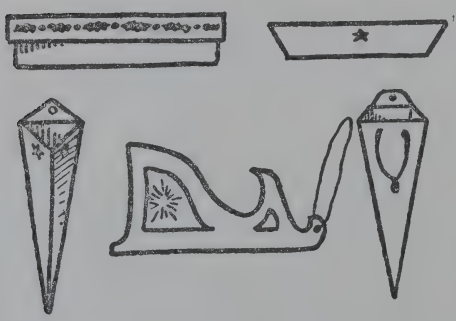
Study. Branching and space division in nature drawing. Nature's use of color. Review previous knowledge of terms such as center, above, below, left, right etc. Parts of fall flowers to be used as units in design.

Picture study. *A Fascinating Tale,* Mme Ronner; *Feeding her Birds,* Millet; *The Drinking Trough,* Dupré.

November, December and January — Constructive drawing and Design

Drawing. Objects suggested by the fall of the year and by Thanksgiving and Christmas holidays. Use pencils, colored papers and water color. Make drawings for special purpose of using for illustrations in work in making. Make sketches of constructive problems before selecting final one.

Design. Draw circles, squares, oblongs and triangles. Lay special emphasis on horizontal and vertical lines. Have the horizons level. Design previous units, drawn from nature, within these shapes, to be applied to constructive work.



Making. Thanksgiving souvenirs, drawing and cutting out a turkey and coloring it, Christmas decorations and presents. Posters. Plan carefully before making. Seek for individuality and careful workmanship.

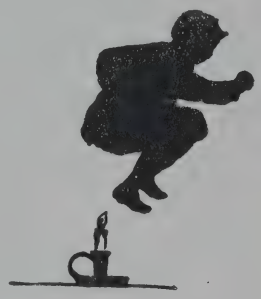
Correlation. Some of the work should be the outgrowth of nature study, and part of it the outgrowth of that portion of language work concerned with the holiday festivities. Correlate also with other subjects. In talking of Thanksgiving have two or three children draw on the blackboard. Let others do the same at their seats.

Study. Acute and obtuse angle, oblique, diameter, diagonal. Study application of these terms in design and construction work. Balance and rhythm in design. Half inch.

Picture study. *Divine Shepherd,* Murillo; *Little Samuel,* Reynolds; *Caritas,* Thayer.

February and March — Pictorial drawing and Composition

Drawing. Illustrative drawings of Christmas presents. Encourage children to bring the objects which they are to draw to school. Have children draw the presents that they like best or the toy that they enjoy most. Illustrate personal experiences and familiar stories, such as sleigh rides, skating parties, snowball fights, etc. Make drawings illustrating fables, folklore and myths. At most, these drawings will be but memory drawings. Use pencil, water color, crayon or whatever will make for a clear expression. Make alphabet of simple straight line capital letters to be used in construction work.



Making. Paper folding to ½ inch measure may be attempted here. Also New Year's gifts, Washington's birthday program and valentines. Use motives which symbolize each event on the construction as for example, a time glass, the hatchet, or a heart.

Correlation. When pupils select their own subjects, a statement of what they propose to illustrate may be made a lesson in language. Surely the language work deals with something requiring clear imaging and furnishes a good basis for illustrative drawing. Stories of other peoples and other lands, as in history and geography, form a basis for the correlation. Let the valentine or birthday program form the basis for the story of those celebrations.

Study. Fewer objects should be involved and they should be represented more faithfully than in the previous grade. Pupils can give pleasure to each other by telling the personal experiences involved in the drawing. Urge children to make large drawings. They should have a realizing sense of the thing to be drawn and that they are illustrating for an audience of children. Keep before their minds the previous things learned.

Picture study. *A Primary School in Brittany,* Geoffrey; *Dignity and Impudence,* Landseer; *Strawberry Girl,* Reynolds.

April, May and June — Plant drawing and Decoration

Drawing. Subjects in color appropriate to the season, as the coming of spring, Arbor day, Memorial day. Use different mediums of expression that will best serve. Draw spring flowers in color as illustrations for nature study. Seek for decorative units and apply to construction work.

Design. Design units from the flowers and color. Establish the habit of right use of color terms and call attention to colors in every object observed. Make definite use in design of black on one color, or one color on gray. Look for appreciation of refined color in various ways and in various materials.

Making. Easter cards, Promotion day souvenirs, decorative programs, invitation to Parents day. Keep to simple folded paper. Make simple straight line letters to be used in the constructive problems. Make the cover suggestive of the contents.

Correlation. Correlate in language and nature work in every way possible. When hunting for the color of a bird plot it, when studying a leaf draw it, when writing a poem illustrate it. Use either representation or decoration in illustrating.

Study. Pupils may be given a good deal of freedom in choice of subject, but when once chosen, all should be held to doing the work well. Focus the minds of pupils more sharply on objects. Have them draw, then criticize the drawing; draw again, criticize again — until the habit of close observation is attained. Study orderly arrangement in design. Begin to study values in color.

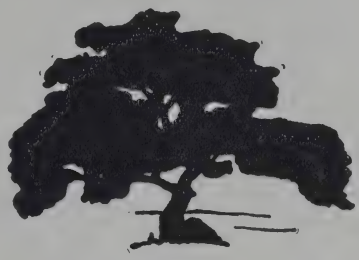
Picture study. *A Helping Hand,* Renouf; *Out for a Sail,* Walden; *Mother and Child,* Toulmouche.

THIRD YEAR

September and October — Nature drawing and Color

Drawing. Plants with flowers or seed packs, using pencil, crayon or water color. Also fall fruits and vegetables in groups. Draw characteristic tree shapes. Paint in flat values and in color. Apply color refined and grayed for decorative treatment.

Color. Begin to teach the mixture of standard hues of color, with their light and dark values. After the colors have been classified in standards and values of those standards, teach the intermediates made by mixtures of the two neighboring colors. Note and match the new colors in nature and other sources. Seek specimens containing quiet, refined color as soon as possible, as the extravagant use of crude color will lead to a misunderstanding of its decorative use.



Making. Objects suggestive of the harvest scene, festivities etc. used in correlation; illustrative story-telling. Simple weaving, as toy blankets, rugs, hammocks etc. Simple looms are very easy to make. Have the boys in the upper grades make them for this class. Make a clay pumpkin jack-o'-lantern and color it.

Correlation. Correlate wherever possible with subjects related to the times and seasons, viz, nature study and language work may well be drawn from the autumn season, the various scenes and festivities, and the changing of atmospheric conditions. In the writing lesson draw the object with the same care as the word it illustrates.

Study. Give special attention to the relative positions and sizes of parts, aiming to lead pupils to observe and record relations en masse. Have pupils discover values of color in their specimens. Lead the children to think about the best possible positions of drawing on their sheets. Study mixtures of colors and memorize. Study nature and draw from memory.

Picture study. *Pilgrims Going to Church,* Boughton; *Can't you Talk?* Holmes; *Little Rose,* Whistler.

November, December and January — Constructive drawing and Design

Drawing. Objects suggested by the Thanksgiving and Christmas observances. Use pencils, colored papers and water colors. Look for characteristics of different objects and express more detail, as, for instance, the turkey on the Thanksgiving menu.

Design. Drill on circles, semicircles, oblique lines and angles, and apply these to constructive design. The mechanical drawing

ought to assist in making pupils more accurate. Make geometric motives symbolizing the Christmas season, as stars, crosses etc. Symbolism has an intense interest for the child. Originate, if possible.

Making. Objects appropriate to Thanksgiving and Christmas festivities. This will give opportunity to utilize geometrical forms. An envelop is a good example — cornucopias, cards, calendars, penwipers, etc.

Printing to be applied to constructive work. Keep to simple straight-line capitals. Make a Christmas card by printing "Christmas" and putting below it the star or cross with the year. Good lettering adds immensely to the gift.

Correlation. Connect all drawing work closely with nature study, language and history concerned with the season. The child must live in the present, not in the past nor in the future. Correlate with things of his day when feasible. Illustrate a simple language paper on a Christmas or Thanksgiving story by means of an appropriate picture and a symbolic decorative motive.

Study. Names of geometric forms. Also meaning of parallel, perpendicular, right angle, etc. Study meanings of various Thanksgiving and Christmas symbols. Balance and variety in design. Quarter inch.

Picture study. *Sistine Madonna,* Raphael; *Shepherd and his Flock,* Bonheur; *Angel with Mandolin,* Carpaccio.

February and March — Pictorial drawing and Composition

Drawing. Familiar objects as seen in winter. This will vary according to locality. Make drawings from memory or with the aid of the objects. The drawing should tell its story well. Illustrate winter occupations and historic incidents. Illustrate different means of transportation and communication; also effects of wind, rain etc. in connection with the telling of a story. Draw in flat values but use more than one to suggest color and distance.

LETTERS FOR USE IN SCHOOLS AYQGKMWZ·

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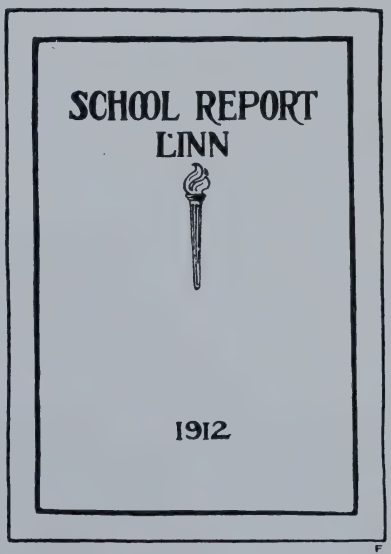


Making. Objects of three dimensions requiring measuring to ¼ inch and folding and pasting. Use heavy paper or cardboard. Make objects suggested by historic days in the months, as Lincoln's birthday, St. Patrick's day, etc. Make a little log cabin of paper, or a badge for the saint's day.

Correlation. Attempt to connect these illustrations with historical events to be definitely worked out with more accuracy in the correct reproduction of the various objects and scenes. Write about the Lincoln cabin or write a poem on St Patrick's day and decorate it with the badge.

Study. The educational value of this work is not only in good drawing but in the close observation presupposed in telling the story well. Begin the study of better technic and simple composition; framing and the careful mounting of pictures.

Picture study. *Girl with Cat,* Hoecker; *An Old Monarch,* Bonheur; *Children at Work,* Geoffrey.

April, May and June — Plant drawing and Decoration

Drawing. Specimens in colors appropriate to the season, such as catkin, flowers, leaves etc. Draw in pencil for accuracy of simple detail and for suggestive units in design.

Design. Units and motives for design, color and apply to the making. By the end of this grade children should be able to use intelligently such terms, as red, (orange), yellow etc.; light red, dark red, etc. They should know the difference in value and be able to tell what colors were used to make the intermediate hues. They should further know how to apply satisfactorily the simple colors they have studied.

Making. Illustrative booklet. Making a booklet will involve laying out of marginal lines, ornaments, initials etc. There might be a nature booklet, or a booklet concerning Arbor day, Memorial day, or Parents day.

Correlation. Make the text of the booklets simple descriptions of the subjects drawn, or quotations appropriate to the subjects.

Study. Correct marginal lines and the right color scheme in the booklet. It is time for their expression to be guided. Consider seriously the study of color in nature as contrasted with the study of its decorative use.

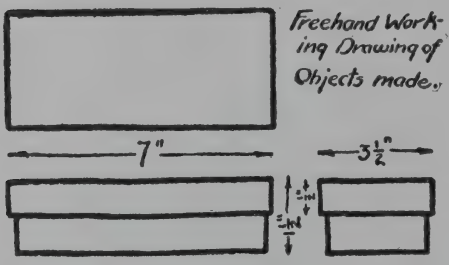
Picture study. *Dance of Satyrs,* Corot; *Return to the Farm,* Troyon; *Three Children of Charles I,* Van Dyck.

FOURTH YEAR

September and October — Nature drawing and Color

Drawing. Leaves and sprays. Show natural treatment of color and value, using pencil, brush and ink and water color. Treat sprays in flat washes of gray color. Draw for accurate observation and careful rendering. Strive for better workmanship and correct proportion.

Color. Begin the study of chroma and show the difference between that and value. Discuss the color of leaves and flowers and compare with standard colors. Discover the dominant note of color. Discover nature's use of the various colors and from plants plot the colors found in their different proportions with the values and chromas.



Making. Burlap and crash school bags, simple baskets of raffia, heavy paper or cardboard objects and houses copied from historic places of interest. Avoid projects that take too many lessons. Let the children take their handiwork home when it is finished.

Correlation. Have a language paper, illustrated, on the geometric basis of flowers. Correlate the making with geography or history. Basketry may be studied with relation to such work in other countries. Write about it and talk about the geographical situation.

Study. The result to be attained is the power to perceive and express beauty — to perceive this beauty in the plant world and to embody some of it in a work of art. Pay attention to proportions and actual forms in mass, made up in many parts. Lead pupils to see that flowers, sections of stems and seed parts all suggest a geometric basis. Cut a triangle, square, pentagon, hexagon and circle

from paper and learn the names of each and their elements, diameter, diagonal sides, etc.; show their application.

Picture study. *Kabyl,* Schreyer; *Penelope Boothby,* Reynolds; *Pied Piper of Hamelin,* Kaulbach.

November, December and January — Constructive drawing and Design

Drawing. Used in connection with the making, as the drawing for illustrations on the objects or designs to be applied. The drawing should now become more accurate and truthful, with neatness and order in the finished product. Draw free-hand the views of the objects to be constructed.

Design. Free-hand and with rule; by judgment and from given dimensions, the common geometric figures, involving but two dimensions. Practise free-hand lettering. The design and lettering to be applied later in the making.

Making. Souvenirs and presents suitable to two festivals will occupy all the time assigned to drawing, provided attention is paid to accurate constructive features, to the coloring of designs, and to careful lettering. Bookmarks, tags, blotter pads, pin balls, whirligigs etc. Plasterline or clay modeling — simple objects in relief in big flat planes.

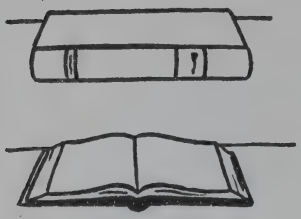
Correlation. Stories relating to the pieces of construction. The study of arithmetic would be illustrated by the work in constructive design, the size of the problems being determined by their dimensions etc.

Study. Harmony in design. Eighth inch measure. Place increasing emphasis on fine workmanship; increasing skill in measuring and ruling, in securing beauty of proportion, line and color. Do not attempt to have the children do too much. See that they make their Christmas tokens well and that they have harmonious colorings. Objects drawn and made must begin to take on more serious aspects. They should also mean more to the child as products of thoughtful and careful judgment on his part.

Picture study. *Arrival of Shepherds,* Lerolle; *Madonna of the Arbor,* Dagnan-Bouveret; *Sheep of Berry,* Bonheur; *Vikings,* Douglas.

February and March — Pictorial drawing and Composition

Drawing. Begin illustrated booklet on silhouettes, using brush and ink. Make drawings from groups composed of spherical and hemispherical objects. Begin with clear mental conception of illustration and then render in both illustrative and decorative way. In the first, seek for characteristic action and representative treatment; in the second, treat with flat simple value or color with poster effect or suggestion for decorative frieze. Draw from common objects showing simple foreshortening and characteristic view.



Making. Place cards, valentines, a cardboard loom to be used in weaving. Make them for the lower grades. Cultivate a spirit of helpfulness to others. Let this work be simple and complete, as more time should be spent on the drawing.

Correlation. Look up the history of silhouettes and the origin of name; collect all information and discuss it; write an essay. A part of this time should be taken from language and history work, or rather, apply the history and language to this subject.

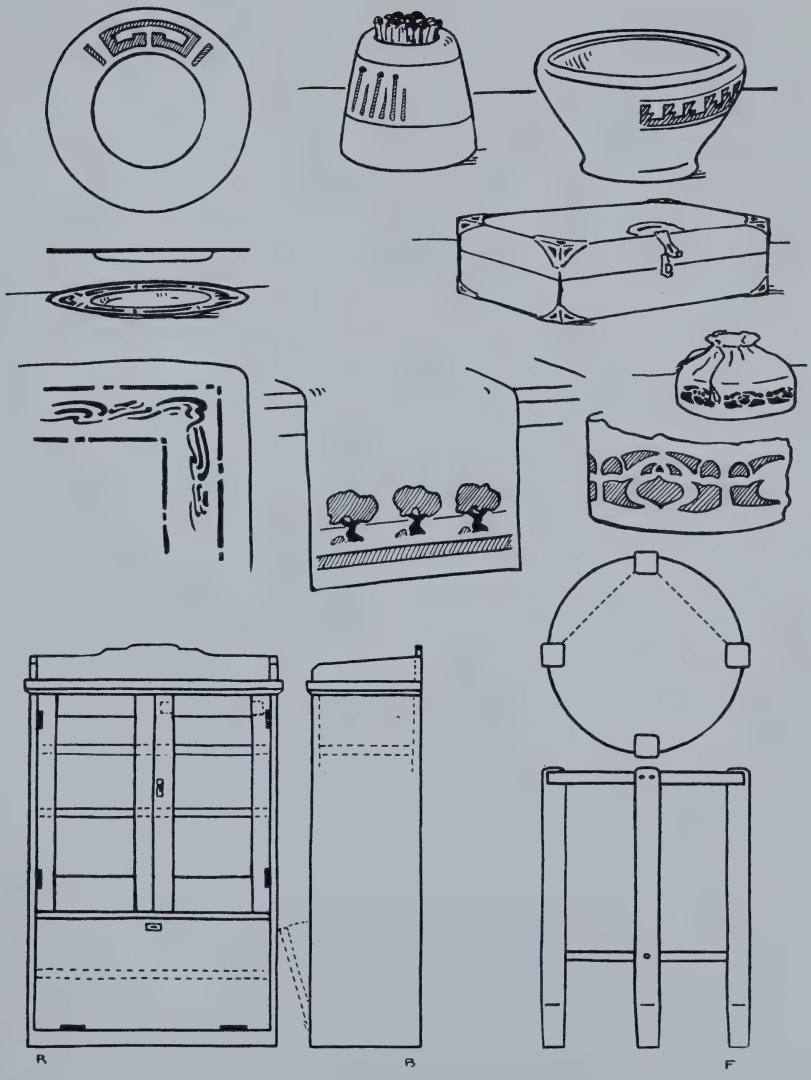
Study. Place a high premium on keenness of eye and skill of hand. Make the children sure of what they know. Study the effects of changes in distance and of foreshortening when making the group drawings. Avoid difficult problems arising from changes in level and convergence.

Picture study. *Planting Potatoes,* Millet; *The Escaped Cow,* Dupré; *Return of Fishing Boats,* Mesdag.

April, May and June — Plant drawing and Decoration

Drawing. Plant drawing to be used in design for rosettes, borders, surface patterns, etc. Drawing to be used and applied in booklet.

Design. Based on the study of ornament. Make borders and surface patterns with units derived from plant or animal forms. Make a special study of chroma of color. Make a color study of some plant exhibiting chromas of a color. Design group with color applicable to common objects. One hue with two neighboring colors.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Making. Two lines of work — drawing based upon study of nature, and design upon study of ornament — to result in one carefully thought out and beautifully decorative booklet.

Correlation. The study of ornament lends itself readily to history and geography and serves as an excellent subject for correlation. Geographical conditions necessitated the different uses and kinds of ornament. History played no less a part. Study the lotus flower and write about it in either the language or geography lesson.

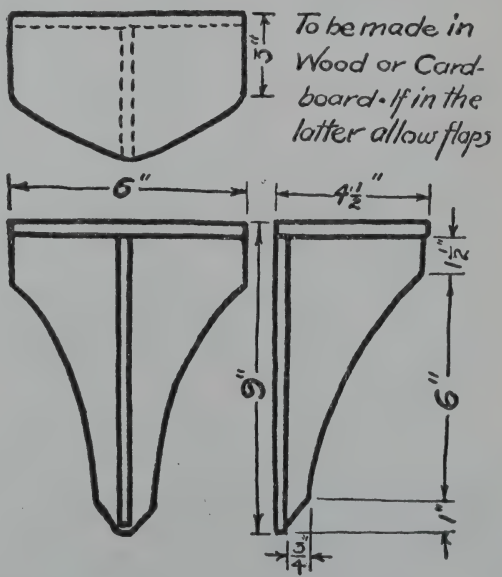
Study. Pupils are supposed to use intelligently such terms as spectrum, standard color, value, chroma etc. Children should begin to learn something of what constitutes decorative design, surface repeat, a border, a bilateral unit and a rosette.

Picture study. *Spring,* Corot; *The Balloon,* Dupré; *Dancing Children,* Della Robbia.

FIFTH YEAR

September and October — Nature drawing and Color

Drawing. Sprays with flowers or fruits, using pencil, brush, ink and color. Treat in two values of gray or color. Spray may be simple or complex according to the ability of the pupil. Always give individual sprays and let the children in this year prune and arrange their own specimens.



Color. Begin the study of complementary colors. By experiment, show that two opposite standard colors will produce a neutral color. Make a circuit so as to show complementary colors. Make a silhouette of a spray, using two complementary colors — one color for the foliage and its complement for the flowers or fruits. Keep them gray.

Making. This work from now on may be used for practical school purposes. A large heavy envelop, or portfolio for drawings, is a suitable piece of construction. Also covers and cases for books and other materials. Remember that to some large boys and girls in the class primary objects do not appeal. Sewing for the girls and simple woodwork for the boys.

Correlation. The correlation will now deal not only with work along general lines, but some special phase of one kind of work, as one kind of transportation, one type of flower or bird in nature study, etc. Talk about the seed pods and when a new feature is discovered draw it.

Study. Special attention to proportions in foreshortened views of leaves and flowers. Definition of complementary. Insist upon the closest possible observation and the most literal representation. Study the geometric basis of the forms in nature's material. Seek most pleasing circular forms in the sections of all sorts of seed packs and fruits. Pupils should know such terms as circle, semicircle, quadrant, diameter, radius, chord and arc.

Picture study. *The Shepherdess,* Lerolle; *End of Day,* Adan; *Autumn,* Mauve.

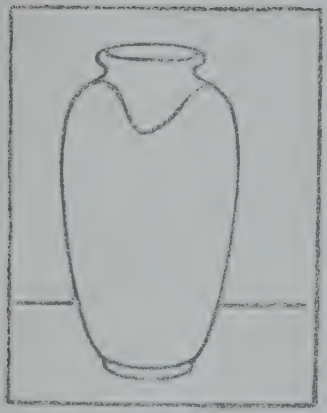
November, December and January — Constructive drawing and Design

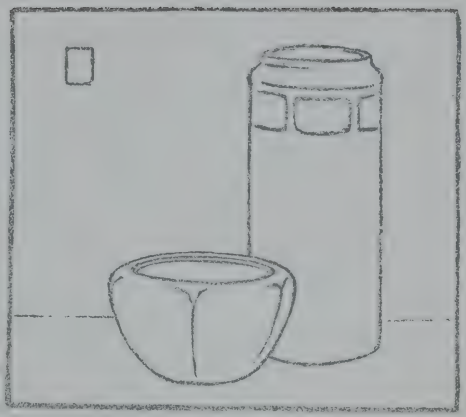
Drawing. Constructive drawing relating to objects designed and made. Free-hand working drawings carefully made and dimensions added. Use of instruments, rule and compass, in making finished drawings.

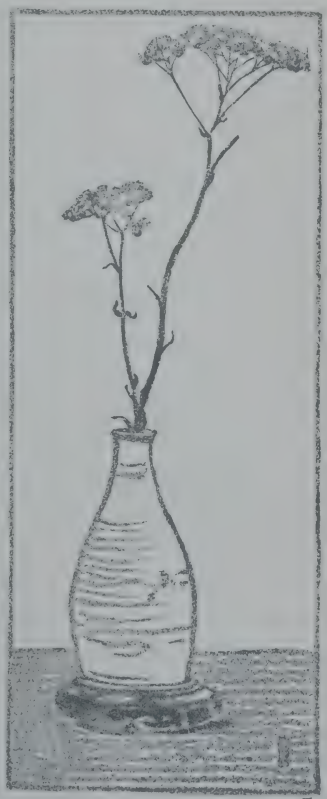
Design. Free-hand lettering used for decorative purposes. Christmas symbols and units made from previous flower studies. Print the Roman alphabet — simple appropriate lettering is always acceptable.

Making. Various gifts and other objects in cardboard, cloth and leather, as calendars, school bags, card cases, penwipers etc. Plasterline or clay modeling — objects as animals or large flowers and fruits in broad technic. Schools differ so greatly in the variety and amount of material available for handicraft that the outlining of work in all the possible materials is impracticable.

Correlation. Language paper on various subjects used in art work to be illustrated in drawing periods. In the spelling lesson







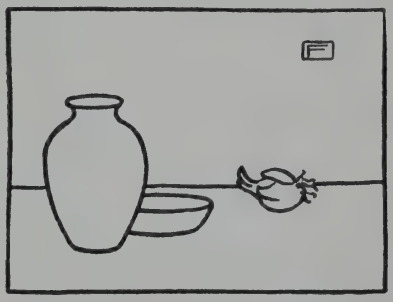
illustrate the names of objects. The careful drawing will emphasize its correct spelling.

Study. Application of units for rhythm, balance and harmony, order, spacing etc. Working drawings of simple objects with free-hand sketches of the objects. Study the Roman printing.

Picture study. *The Holy Family,* Murillo; *St John the Baptist,* Murillo; *The Angelus,* Millet; *Good Night,* Toulmouche.

February and March — Pictorial drawing and Composition

Drawing. Picture design. Elements necessary to the making of a picture. Picture of objects with background and foreground and from imagination. Spacing, values, distance, foreshortening etc. Drawing of objects composed in interesting group. Drawing from animals.



Making. Frames of cardboard for pictures, bird houses, or simple illustrated booklets using some event or historic date in the month as the motive. Some of the suggestive material and activities of the other months are not repeated here.

Correlation. In form of language work or history discuss picture making and historic pictures. The first use of pictures and how used. An essay on the rabbit, fish or duck to be illustrated.

Study. Perspective, convergence, foreshortening of surfaces. Also terms used in the pictorial drawing. Study should now emphasize elements of beauty in composition, harmony of shape, line etc.

Picture study. *Diogenes in Search of an Honest Man,* Salvata Rosa; *Song of the Lark,* Breton; *Oath of Knighthood,* Abbey.

April, May and June — Plant drawing and Decoration

Drawing. Spring flowers drawn in pencil and color. Drawing to emphasize construction of plant and render appearance in value. Color studies to be used in decorative work. Units and motives to be applied in some particular way as the stencil.

Design. Study of color in groups of hues and values and applied to decorative motives. These motives to be used as ornament in the construction work. Design a spring booklet or booklet on some flower. Use the nature motives in the design.

Making. Stencils in connection with design. Booklets of various spring subjects, with more intricate bindings. Make a simple wood block of a decorative motive, using nature as the basis, to be applied to the booklet.

Correlation. Write language paper on significance of different colors, a phase of spring, or some suitable subject to be illustrated.

Study. Ornament and various historic colorings. Effects of light and dark values with changes of hue. Study of chroma.

Picture study. *Children Playing Cymbals,* Robbia; *The Gleaners,* Millet; *Melon Eaters,* Murillo.

SIXTH YEAR

September and October — Nature drawing and Color

Drawing. Sprays with flowers or fruits. Determine all the essential lines through a most careful study of the object. Use pencil, brush, ink and grayed color. Accent drawings in pencil by bearing more heavily on shadow side, where one edge comes in front of another, or at the joints or constructive points.

Color. Review study of hue, value and chroma. Make scales of each. Make drawings of a spray in two values and two chromas of one hue. The staining of wood or dyeing of cloth is a good problem in color study.

Making. Sewing for girls, elementary woodwork for boys. Pasteboard objects for practical purposes as book holders, leather work, simple binding of books. Strive for neat workmanship and execution. Do not hesitate to repair some school books. Make a wood block involving curved lines and apply to book cover. See to it that the constructive work fits the age of the pupils.

Correlation. With nature study, history, geography etc. as change in nature's color, use of leather in bookbinding, color effects of Northern lights.

Study. Special attention to proportions in foreshortened views in reference to each other, for example, on a spray of leaves, having

one leaf turned toward the eye, one away, and one in side view. See that the sheets are properly mounted with appropriate margins. Study for feeling in line and mass. Look for grace and accent. Study for color perception, accuracy and appreciation. Study stains and their colors.

Picture study. *Horse Fair,* Bonheur; *By the Riverside,* Lerolle; *Dance of Nymphs,* Corot.

November, December and January — Constructive drawing and Design

Drawing. Free-hand drawing of objects to be made; then, in relation to design, with instruments. Two views and a development. Careful drawings and tracings to be used on the object made before being applied. Instrumental drawing of geometric designs carried out.

Design. Practise in spacing and printing of letters and addition of Roman alphabet. Initial letters. Designing of various objects with application of ornament for holidays. Borders, repeats, surface patterns, etc. Simple signs such as are used at store counters, entertainments etc. or motto.

Making. Sewing for girls. Elementary woodwork for boys. Leather work, cutting and simple tooling by line. Stenciling on fabrics of various refined colors. Modeling in the round of animals and vegetables simplified to few essential planes. Remember that though a material used in the first grade may be repeated in the sixth, yet its use will have a different meaning. Simple signs of heavy cardboard utilizing printing of simple letters. Posters.

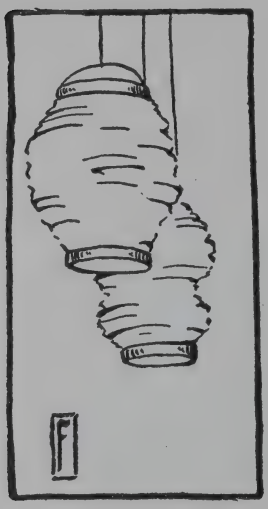
Correlation. Principles used in design to be applied in written work — spacing, lettering, initial letters, arrangement, balance, harmony. Use terms of drawing in the spelling lesson and illustrate their meaning, as "balance," "foreshortening" etc.

Study. Reasons for different treatment of design applied to various materials, as paper, cloth, leather, wood. Study conventionalization.

Picture study. *Christ and Doctors,* Hofmann; *Puritans Watching for Relief Ship,* Boughton; *Repose in Egypt,* Van Dyck; *Woman Peeling Apples,* Ter Borch.

February and March — Pictorial drawing and Composition

Drawing. Common objects above and below the eye, showing foreshortening, convergence etc. Good grouping, rendered in three values or two values and one hue. Good spacing and well framed. Simple landscape compositions composed of very few horizontal and vertical lines cutting a given shape.



Making. Sewing and stenciling for girls. Elementary woodwork for boys. Leather work, purse, stamp case, scissors case, etc. Modeling — emphasize proportion, drawing and simplicity of technic. Model pottery forms.

Correlation. Boys manual training will be profitably correlated with nature study and geography. The sewing suggests industrial history and geography. Topics for language lessons are found in all the art work as well as words for spelling.

Study. Cutting of spaces into interesting relations. Appearance of common objects, singly and in groups of two or three, and in various positions. Simple treatment of values with colors.

Picture study. *Sir Galahad,* Watts; *Reading from Homer,* Alma-Tadema; *Fog Warning,* Homer.

April, May and June — Plant drawing and Decoration

Drawing. Early buds, leaves and flowers for representative work and design. Note carefully the construction and render to show keen observation and feeling. Draw in accented outline and in color. Make memory sketches of the birds and animals, showing certain characteristics and peculiarities.

Design. Use natural motives for units in design. Use in allover patterns, borders and as ornament in the problems of construction. Color and apply as free brush work or stencils.

Making. Sewing and stenciling for girls — woodwork for boys. Making of booklets for year's work, with interesting binding, as well as substantial. Repairing of old school books.

Correlation. Nature, geography, and language work; bird study, atmospheric changes, and color varieties all give connecting links with other school work. Correlate also drawing and design, design and making etc. from the beginning.

Study. The appearance of spring as a phase of nature, coming of the early birds, opening buds, early flowers. Note carefully all things to be drawn for their spring growth, construction, color etc. Memory drawing.

Picture study. *Aurora,* Reni; *Oxen Going to Labor,* Troyon; *The Sower,* Millet.

PHYSIOLOGY

The present State law requires that physiology and hygiene shall be taught orally to the three lowest grades above the kindergarten, two lessons a week for not less than 10 weeks, or an equivalent to that, and to the other grades from textbooks, three lessons a week for 10 weeks or the equivalent to that.

Three courses have been prepared as follows:

1 A course for first, second and third year pupils, who may or may not have their lessons together, in 15 minute periods commencing in September if possible, as at that time of the year the younger pupils will be more regular in attendance.

2 A course for fourth, fifth and sixth year pupils, who may or may not recite together.

3 A course for seventh and eight year pupils, who may or may not recite together.

On account of the vital importance of this study, one or two lessons a week during the entire school year is recommended rather than intensifying the subject for 10 or 20 weeks. In grades four, five and six an elementary textbook should be made the basis of the work, and one more advanced should be used in the seventh and eighth grades.

In all the courses the aim should be to cultivate good health habits. Technical terms and topics not essential to the cultivation of health and strength should be omitted; but information that will lead pupils to develop and protect their bodies should be frequently and forcefully presented.

The fact that improved appearance and ability to do and to enjoy, accompany good health, and that discomfort and inefficiency must necessarily result from poor health should be frequently emphasized. Knowledge of the scientific names of bones and muscles and their structure, or an understanding of intricate processes, avails little in the matter of healthy body building.

On the other hand, the wise selection of food, thorough mastication, the necessity for daily evacuation of the bowels, the importance of a pure air supply, the advantage of rhythmic deep breathing, the benefits of the abundant use of pure water, and the careful protection of the body and its various organs are all essential to good health, and all can be readily understood.

In this, as in other subjects, only constant repetition will accomplish the desired results. Important points of hygiene should be

discussed in class each week. Teachers should manifest personal interest in the improvement in the health and strength of pupils; especial attention should be given to those who do not possess strong bodies, or who, because of improper nourishment, incorrect position, poor breathing habits, obstructed breathing, defective vision, or impaired hearing are not developing as they should; and in all such cases, parents should be interested in cooperating for the child's improvement.

With such ideals and such practice in the schoolroom the sound body and the vigorous health which should be the natural heritage of the great majority, should become a lifetime possession. In places having medical inspection the visiting physician may be made a most valuable aid in this important work. But even with such assistance, the teacher who is really alive to the vital importance of possessing a healthy body, can be of great service; while in schools that are without medical inspection, she can, through the means suggested, be of the greatest possible benefit to her pupils.

COURSE I

First, second and third year pupils

None but simple facts are to be presented in this course. Only enough instruction in anatomy should be given to enable pupils to know the use and proper care of the important organs of the body. The constant aim should be to develop the right ideals as to the value of healthy bodies and to cultivate good-health habits. While the points enumerated must necessarily be taken up very simply with the first grade, the amount of detail may be increased as pupils advance. In all three grades much of the work may, through action, be made very enjoyable language work.

I The body

Its composition: flesh, blood, bones. Location, name and use of the chief parts and organs — head, trunk, brain, heart, lungs, stomach etc. Principal functions — motion, respiration, nutrition, excretion and sensation.

II The growth of the body

Need of good food, pure air, pure water, exercise and rest. Necessity of good sense in the use of these common things.

III Food and its use in the body

Necessity of food for growth and repair; cause of hunger; digestion, absorption and assimilation of food; importance of such foods as milk, eggs, bread, butter, meat, fruit, vegetables, olive oil and nuts; value of such liquid foods as milk and cocoa; dangers of coffee, tea and all forms of alcoholic drink. Hygiene: need of eating slowly and chewing thoroughly; danger of overeating, especially of such foods as pie, cake, candy etc. of green or decayed fruit; of adulterated foods and tainted food; necessity of daily movement of the bowels to get rid of waste matter, neglect of this function, a frequent cause of appendicitis and other bowel trouble.

IV Care and preparation of food

Superiority of milk delivered in bottles over that which is carried from house to house in cans; need for care and cleanliness at the dairy; care necessary after delivery at home; how eggs, butter, meat, flour, bread, fish etc. should be kept; why food is cooked, fried foods to be avoided; simply prepared foods are best.

V Our meals

Fresh fruit (orange, apple or something similar), some cereal with milk or cream, eggs, toast and a glass of milk — an excellent breakfast; bread and coffee an insufficient breakfast for any one, and especially injurious for children; lettuce, egg, or meat sandwiches, fruit, nuts and milk chocolate — an appetizing and nutritious lunch; any lunch containing much pie, cake, pickles etc. not wisely selected; soup, meat or fish, bread and vegetables with fruit or a light pudding for desert — an excellent dinner; the wise choice of food at daily meals counts much toward developing strong, healthy and beautiful bodies.

VI Air and its use in the body

Necessity of constant supply of air; why air exhaled from the lungs is not pure; the air out of doors usually pure; need for and ways of ventilating occupied rooms; the thermometer and its use; why the artificially heated room should be kept at from 65 to 70 degrees; why artificially heated air should not be allowed to become too dry; why the windows of one's sleeping room should be open at night; cold air not necessarily pure air; pure, cool air the best aid in securing good health and good appearance.

VII Breathing

Proper position for the best breathing; correct position best for breathing and for good appearance as well; necessity for breathing through the nose, why neither nostril should be allowed to become stopped up; value of rhythmic deep breathing. Importance of teaching in connection with lessons in physical training, the value of exercises in deep breathing and of exercises to improve posture and increase lung capacity; appearance and elasticity of the lungs; harm from tight clothing.

VIII Water and its use in the body

Proportion of water in the body; need for much drinking water; why drinking at meals is not advisable; necessity for pure water; when drinking water should be boiled; water given off through the pores etc.; necessity for a daily cold or tepid bath and a warm bath at least once a week; use of soap; hot water bottle and its use in relieving pain, etc.

IX Care of the body

Clothing — kinds, differences for cold and for warm weather; need for underclothing, kinds and advantages; need for rubbers in wet weather, why rubbers should not be kept on while indoors; importance of keeping the body dry and free from colds.

Uses of the skin, hair and finger nails, and proper care of each.

Teeth — value in preparing food for digestion; temporary and permanent sets, number in each; causes and cure of irregular teeth; cause of decay; when and how to clean the teeth, use of dental floss; necessity for taking good care of the temporary teeth; the first permanent teeth; why the teeth should be examined by a dentist and necessary cleaning and filling done at least twice a year.

Eyes — great value to the body; various ways in which they are often injured or weakened; different ways of favoring and protecting the eyes; evidences of the need of glasses, oculist should at once be visited when such signs are evident, foolishness of not wearing glasses when they are needed, why spectacles are preferable to eyeglasses, care of glasses.

Ears — their use to the body; common injuries to; ways of protecting; signs of defective hearing or approaching deafness, why an aurist should be consulted when such symptoms are recognized.

Voice — the organs of speech; how sound is made; importance of having the voice strong but well modulated and pleasing; value of good enunciation; correlate with reading and give exercises to develop good tone and improved enunciation.

Contagious diseases — bacteria briefly and simply spoken of; the common contagious diseases named and briefly talked about; why children from homes in which there are certain diseases should not attend school or mingle with other children; why such homes should not be visited while there is danger of contagion; measles and scarlet fever, impaired hearing and sight often resulting from; colds, how taken, ways of avoiding, harm resulting from; bronchitis and pneumonia briefly spoken of; consumption, why called the Great White Plague, how it spreads, best ways of protecting the body from it, why the law against expectoration in street cars should be obeyed; necessity for clean homes, clean yards, clean streets; why rugs are better than carpets; advantages of dusting with a moist cloth; vigorous health the best preventive of any disease; how the house fly spreads disease; where it breeds; how breeding may be prevented; why windows and doors should be screened; why flies that get into the house should be killed; how the mosquito aids in spreading malaria; where these insects breed and how they may be exterminated.

Accidents and emergencies — what to do in case of cuts, bruises, burns etc.; why even slight cuts should be cleansed and covered, necessity for using clean cloths, etc.; possible danger from all wounds from rusty nails, knives etc.; what to do if clothing catches fire; dangers from poisonous drugs, plants etc.; certain foods that sometimes develop poisons; danger from sunstroke; why both boys and girls should learn to swim; injury from escaping gas; artificial respiration simply discussed; dangers from electric wires, etc.

Exercise — need for, different kinds, advantages of out-of-door exercise.

Rest and sleep — need for, illness often avoided by, best time to sleep, amount of sleep, conditions most conducive to sleep.

The joy of health and strength — happiness and satisfaction attending health and strength; discomfort and disappointment accompanying ill health; ability to look, do and be our best, possible in good health but impossible without it; health and strength the natural result of the wise use of food, air, water, exercise and rest; the body a precious gift; individual responsibility for clean, pure, healthy bodies.

COURSE II

Fourth, fifth and sixth year pupils

An elementary textbook should be in the hands of pupils in these grades, and information concerning the topics outlined should be read and discussed in class. Teachers should aim to emphasize the benefits and joys of good health, to arouse a feeling of individual responsibility for developing strong healthy bodies, and to cultivate daily habits likely to attain these ends. The interest of pupils should be maintained through using illustrative materials, encouraging personal observations, and making the study as interesting and practical as possible in every way.

I The body

Review the chief parts, organs etc. and their uses as outlined in course I. Bones examined and simply described, change in bone composition as one grows older, common names of bones often mentioned in conversation, the use of joints, how children often break bones, and the pain etc. attending such accidents; muscles, what they are, use to the body, kinds of food that make strong bones and muscles; effect of exercise on muscles, need for rest; tissues of the body composed of water, proteid, fats, mineral matter, these supplied by food.

II Food and its use in the body — digestion

Composition of — proteid, fat, starch, sugar, mineral matter and water, the components that are useful to the body; the use of each of these components; need for variety of diet; digestion a chemical process; saliva and mouth digestion, importance of eating slowly and masticating thoroughly, digestion improved and overeating prevented thereby; why food should not be washed down; why cold drinks should be avoided; why cold food should be eaten slowly and only in small quantities; the esophagus and stomach; gastric juice and stomach digestion; violent exercise or hard study near mealtime to be avoided; the intestines, liver and pancreas; bile, pancreatic juice and intestinal fluid, and the use of each in intestinal digestion; value of rest to the digestive organs, omitting a meal often more effective than medicine; why eating between meals and overeating should be avoided; how digested food is taken into the blood; waste expelled from the bowels, necessity for a daily thorough movement of the bowels; toilet paper and cleanli-

ness; harm of constipation and how it may be prevented through wise selection of diet, exercise etc.

Composition, preparation and use of food — milk and its products, eggs, meat, fish, vegetables, fruits and the various commonly used drinks considered from the standpoints of value to the body, the question of digestibility emphasized; the great value of milk especially for children, and how it may best be kept in condition for use; the value of both milk and eggs in the diet of invalids, and the necessity for cultivating a liking for these and other foods especially valuable in illness; best ways of keeping eggs, meat, bread, flour, fruit etc. fit for use; most hygienic ways of preparing meats, soups, vegetables etc.; why coffee and tea are harmful to children; the value of cocoa; harm resulting from eating too much pie, cake, doughnuts, candy etc.; alcoholic drinks neither food nor an aid to digestion, cause disease, disgrace and misery; wise and unwise eating habits discussed; discussion of nutritious meals, meals for invalids, unhygienic meals, etc.; bacteria and their part in the destruction of food considered in an elementary way.

III Air and its use in the body

The composition of air simply and briefly explained; how oxygen is valuable to the body, why it must be supplied continually in the air we breathe; carbon dioxid, the small amount in pure air, a product of combustion in the body, exhaled from the lungs; watery vapor in the air exhaled from the lungs; out-of-door air usually pure; how indoor air often becomes impure; need for and ways of ventilating; the thermometer and how to read it, temperature for school and living rooms; how to keep the air of furnace and stove heated rooms from becoming too dry; danger from gas and other stoves without pipes to carry off the poisonous products of combustion; value of cool air and wide open windows in sleeping rooms; city and country air, day and night air, cool and warm air compared as to purity etc.; advantages of rugs, moist cloth dusting, etc.; value of sunshine.

IV Breathing

Mouth, nose, epiglottis, trachea, bronchii, lungs, backbone, ribs, sternum, intercostal muscles and diaphragm described in an elementary way; how we breathe and the best posture for correct breathing, correct posture results in best carriage of the body and improved appearance; mouth breathing and adenoids; advantages of nose

breathing; the vast surface of lung cells in which the exchange of oxygen for carbon dioxid and watery vapor may take place; the importance of rhythmic deep breathing and how the habit may be cultivated; close connection between lung capacity and health; elasticity of lungs; how lung capacity may be increased, exercises to improve posture and lung capacity, value of the daily practice of deep breathing exercises; pure air and deep breathing the best aids to health and strength.

V Water and its use in the body — organs of excretion

Proportion of water in the tissues; soft water, hard water, the latter the greater solvent; value of water in cleansing the inside of the body; value of drinking several glasses of either hot or cold water a half hour or more before meals; why best not to drink water during meals; excretion of water and of waste matter in solution through the skin, kidneys and lungs; water an aid in preventing constipation.

Skin — structure and use of the dermis, epidermis, perspiratory glands, oil glands, nails and hair (in an elementary way); nature and value of perspiration; insensible perspiration; how perspiratory and oil glands soil the skin, necessity for daily cleansing the skin, value of cold, tepid and warm baths, uses of packs, steam and thermal baths, etc.; value of hot water in relieving pain allaying congestion, increasing circulation in the extremities of the body, etc.

Kidneys — number and location in the body; value in eliminating urea from the blood; effect on the kidneys of drinking plentifully of water; location and use of the bladder, danger from too long retaining urine, false modesty in this respect to be discouraged.

VI Blood and circulation

How digested food, oxygen and water get to all parts of the body; composition of the blood (red and white corpuscles, serum etc., and the use of each spoken of in an elementary way); simple description of the heart, arteries, veins and capillaries, and the uses of each; arterial and venous blood compared; the pulse and how to tell its rate, normal pulse, etc.; the course of the blood in pulmonary and systemic circulation described, but without special effort to have details remembered, change in appearance of blood during each and reason for; the points to be emphasized are the vital necessity for free circulation of the blood to every part of the body, why circulation should not be obstructed by tight

clothing or improper position and how circulation may be improved by exercise, massage etc.

VII The nervous system

Brain, spinal cord, nerves, nerve centers, and the office of each simply and briefly described; compared with a telegraph system; the great importance of carefully protecting the brain and spinal cord from blows and other injuries emphasized.

VIII Care and protection of the body

Clothing — why needed, materials best for summer and for winter, need for underclothing, the different kinds and their advantages, why infants should be warmly clothed, disadvantage of too heavy clothing for children or for adults, harm from tight clothing, hygienic hats, caps, shoes etc., use of rubbers and why they should not be kept on indoors.

Teeth — value to the body; temporary and permanent sets and the number in each; structure (in an elementary way); difference in form of, some adapted for cutting (front teeth), and others for grinding (back teeth); causes and cure of irregular teeth; cause and prevention of decay, when and how to clean, use of dental floss, tooth powder, etc.; why temporary teeth should be cleaned, filled etc.; why the first permanent teeth need special attention; necessity for examination and filling by a dentist at least twice a year; good teeth-building foods; chewing crusts etc. good exercise for the teeth; common injuries to be avoided.

Eyes — dependence of the body on; chief parts of and the use of each (in an elementary way); the process of seeing described very simply; various ways in which eyes are injured or made defective; ways of favoring and protecting the eyes; nearsightedness, farsightedness, cross-eye and astigmatism briefly discussed, indications of each explained, need for consulting an oculist concerning, benefits from wearing glasses in such cases; why unwise not to wear glasses if the eyes are defective; advantages of spectacles over eyeglasses, care of glasses; care of the eyes of infants; large amount of blindness, nearsightedness etc., and how much of it might be avoided.

Ears — value of hearing to the body both from the standpoint of enjoyment and practical use; outer, middle and inner ear, and the process of hearing simply described; ear wax and its use, removal etc.; location and use of the eustachian tube; common

injuries to the ears; ways of protecting the ears; signs of defective hearing and approaching deafness; why an aurist should be consulted concerning such symptoms; deafness in one ear often unrecognized for a long time; deafness a calamity to be avoided.

Voice — organs of speech; location of vocal cords; how sound is made; why voice should not be strained; change of voice in boys and special care necessary during that period; advantages of a strong but well modulated and pleasing voice; exercises to strengthen and improve tone; use of tongue and teeth in speech, and exercises for improving enunciation.

Contagious diseases — useful and harmful bacteria discussed in an elementary way; common contagious diseases named and the reasons for avoiding them given; why children from homes where there is measles, scarlet fever, diphtheria etc. should not attend school or mingle with other children until danger of contagion is passed; and why such houses should not be visited during that period; the source of contagion in the common diseases; smallpox and what statistics show of the effects of vaccination; possible typhoid infected sources; why drinking water from such suspected sources should be boiled; diseases in which bacteria are in the sputum; tuberculosis of the lungs (consumption), why called the Great White Plague, usual symptoms of, care in regard to sputum and destruction of bacteria, pure, out-of-door air and nutritious food the remedies for, sanatoriums for out-of-door treatment, food etc. used at, persons likely to develop this disease, conditions favorable for development, special ways of fortifying oneself against tuberculosis; why vigorous health is the best preventive of all diseases; the house fly — proof that it is not particular about its food; number of bacteria one fly can carry; how responsible for typhoid germs, tubercle bacilli, germs from sores and various other sources getting into the human body and causing disease and many deaths; where and under what conditions it breeds; why refuse from stables and garbage should be removed, or if not, why such should be kept in vaults, screened and disinfected; why dead animals, straw, paper, or any other materials likely to decay should not be kept on the premises; why the sewerage system should be kept in order and lime, oil or other disinfectant frequently sprinkled in drains; why all windows and doors, especially those of the kitchen and dining room, should be screened; why all flies that get into the house should be killed; why flies should be kept from the sick; why unscreened or uncovered fruit, candy, food etc., should not be purchased from stores.

Accidents and emergencies — common accidents such as cuts, bruises, sprains, burns, injuries from sunstroke, heat prostration, electric shocks, drowning, escaping gas, fainting etc. simply discussed as to their cause, prevention and treatment; review all points enumerated under this head in course I with special emphasis on the importance of learning to swim while young.

Exercise — benefits of, various kinds, why out-of- door preferable, regularity in, value of keeping up regular exercise and especially participation in some open air sport during manhood and womanhood.

Rest and sleep — review points enumerated in course I giving more details.

Alcohol — review points enumerated in course I giving more details and greater emphasis; effect of alcoholic drinks on the warmth of the body; alcoholic drinks and physical skill and endurance; alcoholic drinkers and insurance; growth of the alcohol habit; why total abstinence is the wisest and best plan.

Tobacco — why harmful to the body, untidiness of the habit, "tobacco heart" and insurance; why cigarettes are especially harmful, their bad effects on boys.

The joy of health and strength — ability to play and work our best, look our best, and be our best the most satisfactory things in life; one's attitude toward play and work when ill with bilious attack, cold, headache etc. compared with attitude when in enjoyment of perfect health; the prevalence of chronic ill health commented on and the resulting curtailment of enjoyment and usefulness noted; good health the best possible capital; individual responsibility for its possession; the principal bodily habits likely to develop health and strength enumerated and emphasized.

NATURE STUDY

The purpose of this outline is to define and direct the work in nature study and agriculture to be done in the several grades. The syllabus for 1905 furnishes the material for the basis of this outline; therefore that syllabus should be read carefully for the pedagogy it contains, for its illustrative material and for the detailed experiments given.

Those who have been using that syllabus will find in this outline the same principles emphasized and the same manner of treatment recommended, but more in detail. If this syllabus is not available, the same matter will be found in the report of the Education Department for the year 1905, which report has been furnished to the library of every school in the State.

Key words. For grades one to three the key word to the work is *Recognition.* Here the pupil learns to recognize natural objects, study their general character and thereby to cultivate the power of observation.

For grades four to six the key word is *Adaptation* — the interrelation of parts and how they are adapted to the life purpose of the plant or animal. This work requires more mental power, for it is an attempt to answer the question why, therefore to reason.

Study objects themselves. Nature study that is of educative value emphasizes the study of things first hand. Books, pamphlets, poems, stories and pictures are necessary for reference and suggestion, but the object itself is the text, and this object needs to be observed by the child. Nor should this observation be aimless. The teacher must guide it, show the child what is to be looked for, and point out features to be seen when opportunity occurs. To do this, the teacher must know the object from observation, and this knowledge must be strengthened and enriched by careful study of what others have discovered and written.

School gardens. In connection with the plant and tree study it is suggested that native trees, shrubs and vines be planted on the school grounds where their growth can be more readily and accurately observed. They also form a background and surrounding for the school garden.

Wherever flowers and vegetables can be planted and reared they will be found a most satisfactory means of working out the

life history of some of the short lived plants and the insects which feed on them.

The child should perceive the object in its surroundings and as it lives — the flower in the field, the bird in the bush. He should note the relation of soil, drainage and climate to the plant, and of an animal he should learn to recognize the various attitudes and expressions, as anger, surprise, pleasure and defense.

Program. One objection made to nature study is that it adds another subject to the curriculum and thereby shortens the time given to the other subjects. But the success of this work depends not upon time so much as upon the mental attitude of the teacher. It may require a change of heart greater than the change of program.

This plan is made to occupy only 15 minutes per day throughout the year, and even this time may be shortened by proper correlation with other subjects, particularly with the English. In composition, narration and description are emphasized in grades one to three, then for the higher grades exposition is added.

Plants and animals furnish material for the conversation lessons which are to be based upon pupils' observation, expression and knowledge. How does the thing look, what does it do? The answers to these questions furnish the fundamentals out of which these several types of composition are created.

From the syllabus in English: "The content of language is thought and feeling, and the teacher should make the pupil's ideas, thought and fund of facts more full and varied, and his knowledge more definite." [Grade 3] "Material can be taken from geography and nature study." [Grade 5]

A careful reading of the directions for nature study and for English will show how closely they are interrelated.

Natural phenomena and earth study. No outline has been prepared for "natural phenomena" nor for "earth study" as these subjects occur in the syllabus of 1905. The reason for this is that the former is treated with sufficient definiteness in the geography, and the latter has been embodied in the outlines for trees and other plants.

For all schools. The syllabus is now adapted to the use of all schools. The work is arranged in three divisions, grades one to three, four to six, and seven and eight. The teacher handling but one year's work can easily grade that work within the scope of the general divisions. The teacher handling the work of all years may give the work of grades one to three as general lessons to the whole

school, that of grades four to six to all grades above the third, and that of grades seven and eight to those grades alone.

Outlines. Outlines of study are given for only one topic under the general subject of plants, and of animals, and only one under the subdivisions — birds, insects and trees. It is expected that the teacher will use the same general plan for the study of these respective topics throughout the several years. The insect is first studied in 1910–11 and the tree is omitted till the following year. This is done that the plan of the work may first be realized and its spirit felt; then more material can be added without making it a burden.

The more lines of interest that can be established, the larger becomes the child's world. Whenever possible the teacher should show the relation between a particular plant and a particular insect, bird and insect, or insect, bird and tree. The value of this part of the work can hardly be overestimated.

Care should be taken not to introduce the study of noxious weeds or animal pests of any kind that need to be destroyed until the pupils have learned the life history of some helpful species. It is life, not death, that is of first importance. For this reason harmful plants and animals are not introduced till the latter part of the work for grades 4–6. But under " Insects " this plan is modified. The mosquito for instance, is chosen as a type for study, but even then the reason for destroying the insect is not discussed till after its life history is known

MODEL OUTLINES

Birds

Bird for detailed study (1914–15): English sparrow

Directions. Begin the work late in the fall after the birds have molted, base it upon actual observations of live birds. These observations form the material for a comparative study of the winter birds and of the spring migrants as they arrive.

GRADES 1–3	GRADES 4–6
I Study: Size, color, shape 1 Parts of body: head, back, tail, breast, belly, wings; and the color and markings of feathers on these several parts 2 Flight 3 Song or calls 4 Nests and care of young	I Study: The work given for grades 1–3, and also 5 More detailed study of parts and markings; add wing coverts and tail coverts, names of common bird colors and uses of colors Review these topics basing observations on the *hen*. Add such as are necessary to complete the life history 6 Structure and use of feathers 7 Adaptation of bill and feet 8 Kinds of food
II Birds to be recognized: Any two kinds of winter birds and any five of the following — canary, song sparrow, robin, bluebird, duck, goose, heron Tell how these birds resemble and how they differ from the English sparrow Bird calendars — memorandum of date of arrival, nesting and other facts of interest	II Study: The work given for grades 1–3 and also Classify according to habitat, as birds of the dooryard, orchard, field, thicket, forest or swamp
III Poems, stories and pictures: Bryant's The Song Sparrow; Longfellow's Birds of Killingworth	

For suggestions in regard to pictures and other selections from literature, *see* lists on pages 135–56.

Birds for special study

1910–11.	Chickadee	and also the hen for grades 4–8 as indicated in model for 1914–15
1911–12.	Downy woodpecker	
1912–13.	Nuthatch	
1913–14.	Robin	
1914–15.	English sparrow [*see* model outline above]	

Whenever it is not possible to observe the bird indicated, the English sparrow may be substituted.

Birds to be recognized

Any two other kinds of winter birds and any five of the following:

1910–11. Bluebird, chipping sparrow, brown creeper, barn swallow, pewee, oriole, hawk, crow, flicker, Maryland yellow throat

1911–12. Robin, bobolink, redstart, red-eyed vireo, blackbird, yellow warbler, humming bird, marsh wren, turkey, owl

1912–13. Oriole, goldfinch, phoebe, grackle, brown thrasher, meadow lark, cliff swallow, black and white warbler, peacock, eagle

1913–14. Junco, song sparrow, wren, ovenbird, chimney swift, wood thrush, sandpiper, flicker, catbird, guinea fowl

1914–15. English sparrow [*see* model outline p. 128]

Poems, stories, pictures to be used in connection with this work [*see* lists on p. 135–56]

The English sparrow is selected (1) because it is common to all parts of the State, (2) it is here throughout the winter. This work can be begun early enough in the school year so as to make it possible to have sufficient facts for a comparative study of the migrants that arrive in the spring.

The economic value of this bird, however, is not great, yet such economic value as it has should be brought out. Because of this defect, the hen, of particular economic value, is introduced in the fourth year.

The winter birds may be easily attracted by tying to the limb of a tree a piece of suet to which they will soon come to feed.

Animals

Animal for detailed study (1914–15): dog

Directions. This work on animals can be taken up at any season but generally it will be found more satisfactory to begin it early in the year and carry it along with the study of birds.

GRADES 1–3	GRADES 4–6
I Study: Color, size, shape 1 Parts of body and covering 2 Food 3 Uses 4 Care of young	I Study: The work given for grades 1–3 and also 5 Study of (*a*) the teeth and (*b*) the feet with special emphasis on adaptation to needs of the animal 6 The dog as a companion of man Review these topics basing observation on the *cow*, and add (1) How the cow bites, chews and digests food
II Animals to be recognized: Cat, mouse, horse, rabbit, squirrel Tell how these animals resemble and how they differ from the dog	II Study: The work given for grades 1–3 and also 1 Adaptation to different seasons 2 Classification as useful or harmful to man
III Poems, stories and pictures: Emerson's Mountain and Squirrel, Phoebe Cary's That Calf, Scott's Helvellyn, Brown's Rab and his Friends, Ouida's Dog of Flanders; picture — Douglas's Mother and Daughter	

Owing to the economic value of the cow, this animal is introduced in the fourth grade, as the hen is in the study of birds.

For further suggestions in regard to pictures and selections from literature, *see* lists on pages 135–56.

Animals for special study

1910–11.	Horse	and also the cow for grades 4–8 as indicated in model for 1914–15
1911–12.	Toad [*see* ¶ 2, p. 131]	
1912–13.	Cat	
1913–14.	Earthworm [*see* ¶ 2, p. 131]	
1914–15.	Dog [*see* model outline above]	

Animals to be recognized

Any four of the following:

1910–11. Donkey, deer, turtle, field mouse, squirrel, woodchuck
1911–12. Frog, hog, bat, rat, rabbit
1912–13. Goat, fox, skunk, muskrat, frog
1913–14. Sheep, weasel, snail, rabbit, deer
1914–15. Dog [*see* model outline above]

Courtesy of New York State College of Agriculture

Poems, stories and pictures [*see* lists on p. 135–56]

1 Owing to the economic value of the cow, this animal is introduced in the fourth grade, for each year from 1910 to 1915, as the hen is in the study of birds.

2 The toad and earthworm require treatment somewhat different from that given in the model outline but not sufficiently so to cause serious difficulty.

Plants

Plant for detailed study (1914–15): pea

Directions. About March 15 plant in pots of loam, sand and sawdust; also in lantern chimney lined with blotters to show germination.

GRADES 1–3	GRADES 4–6
I Study: 1 Parts of seed, storage of food for the little plants 2 The plant: (*a*) color, size, shape; (*b*) parts — root, stem, leaf, flower; (*c*) where it lives	I Study: The work given for grades 1–3, and also 3 Parts of flower and their uses 4 The fruit — peas in the pod 5 Review life history of pea: seed, seedling, root, stem, leaves, flower, fruit 6 More careful study of method of growth, roots and root hairs 7 How the plant gets up to the sunlight — use of tendrils
II Plants to be recognized: one of the clovers, one of the grasses, one of the grains and any six of the following—geranium, hepatica, strawberry, apple, goldenrod, bluet, columbine, lettuce, onion, bloodroot Tell how these resemble the plant — pea Plant calendars — memorandum of date when the plants are first seen in blossom and other facts of interest	II Study: The work given for grades 1–3, and also Weeds: 1 When is a plant a weed? 2 Identification of five plants that are commonly weeds: Canada thistle, wild mustard, orange hawkweed ("paint brush"), wild carrot, long-leaved plantain
III Poems, stories and pictures suggested: Bryant's Gladness of Nature, The Planting of the Apple Tree	

For suggestions in regard to pictures and other selections from literature, *see* lists on pages 135–56.

Plants for special study

1910–11. Corn
1911–12. Bean
1912–13. Potato
1913–14. Radish
1914–15. Pea [*see* model outline p. 131]

Plants to be recognized

Each year — one of the clovers, one of the grains, one of the grasses, and any six of the following:

1910–11. Violet, pansy, aster, milkweed, skunk cabbage, claytonia, poppy, pear, lady's slipper, sweet clover, cabbage, carrot
1911–12. Elder, tulip, dandelion, buttercup, lily, chickweed, verbena, beet, tomato, squirrel corn
1912–13. Willow, cherry, daisy, marsh marigold, anemone, trillium, partridge berry, black medick, squash, turnip, pitcher plant
1913–14. Jack-in-the-pulpit, peach, nasturtium, honeysuckle, vetch, dog-tooth violet, laurel, crocus, pumpkin, celery, iris, solomon's seal
1914–15. Pea [*see* model outline p. 131]

Weeds to be studied

Any four of the following: (In this study show under what conditions the same plant is not a weed.)

1910–11. Burdock, white daisy, shepherd's purse, wild carrot
1911–12. Quackgrass, orange hawkweed, dandelion, chickweed, yellow daisy
1912–13. Bindweed, purslane, thistle, wild carrot, pigweed
1913–14. Sourdock, ragweed, beggar ticks, Canada thistle, clotbur
1914–15. Pea [*see* model outline p. 131]

Poems, stories, pictures to be used in connection with this work [*see* lists on p. 135–56]

Insects

Insect for detailed study (1910–11): monarch butterfly

Directions. Begin the work early in September as soon as school opens while yet the caterpillars are feeding upon the milkweed and while there are many specimens of the butterfly to be found. Note the transformation in the life history of the insect.

GRADES 1–3	GRADES 4–6
I Study: Color, size, shape 1 The butterfly — its parts, their colorings and special markings: (*a*) wings, (*b*) body, (*c*) antennae, (*d*) legs 2 The caterpillar — (*a*) its size, color, markings, (*b*) head, body, legs 3 The chrysalis — (*a*) its shape, color, markings, (*b*) attachment, (*c*) observation of transformation In these grades it is important that children should see the changes that take place in the life of an insect. The teacher should encourage the children to watch the change and make observations according to the above outline.	I Study: Work for grades 1–2 and also 1 Butterfly — more detailed study of parts and markings: (*e*) division of body into head, thorax, abdomen, (*f*) use of "feelers," (*g*) how it breathes, (*h*) how it eats, (*i*) how protected 2 Caterpillar — (*c*) how it travels (*d*) how it eats, (*e*) how protected 3 Chrysalis — (*d*) how long this state lasts, (*e*) color protection 4 Eggs Review with special reference to life history
II Insects to be recognized: Any four of the following — grasshopper, wasp, cricket, potato beetle, house fly, luna moth, dragon fly Tell how these insects resemble and how they differ from the monarch butterfly.	II Study: The work for grades 1–3 and also determine 1 Characteristic parts of insects — head, thorax and abdomen; six legs, etc. 2 Difference in metamorphoses of different kinds of insects 3 Classify these insects as harmful or helpful to man.
III Poems, stories and pictures	

For suggestions in regard to pictures and selections from literature, *see* lists on pages 135–56.

Insects for special study

1910–11.	Monarch or, (for Adirondack region) sovereign butterfly	In addition to this for grades 7–8 study the life history of two injurious insects — one gnawer and one sucker — with special reference to the method of destroying them.
1911–12.	Ant or honeybee	
1912–13.	Potato beetle or lady beetle	
1913–14.	Mosquito or house fly	
1914–15.	Grasshopper or cricket	

Insects to be recognized

Any four of the following:

1910–11. Monarch butterfly [*see* model outline p. 133]
1911–12. Cricket, dragon fly, cutworm, hornet, cecropia
1912–13. Potato beetle, tent caterpillar, honeybee, ant, hornet, spider
1913–14. Wasp, cabbage butterfly, lady beetle, cankerworm, horsefly, spider
1914–15. Grasshopper, mosquito, mourning cloak, tent caterpillar, bumblebee, ant

Poems, stories, pictures to be used in connection with this work [*see* lists on p. 135–56]

Trees

Tree for detailed study (1914–15): maple

Directions. Begin in the winter or any time after the leaves have fallen, and carry the work through the year, noting the different phases of the tree's life as they appear.

GRADES 1–3	GRADES 4–6
I Study: 1 Color, size, shape 2 Parts — trunk, bark, limbs, branches, roots 3 Growth — buds, leaves, blossoms, fruit	I Study: The work given for grades 1–3, and also 4 Winter buds — their protection, arrangement 5 Annual rings 6 Movement of sap 7 Uses to tree of bark, wood, leaves 8 Detailed study of flower and fruit 9 Germination of seed 10 Review life history of maple and compare with pea
II Trees to be recognized: hemlock, or pine and any five of the following — apple, plum, beech, elm, locust, birch, chestnut, cedar Tell how these resemble and how they differ from the maple	II The work given for grades 1–3, and also detailed study of one of the conifers, noting difference from deciduous trees in method of growth and life history Uses of the several kinds of trees
III Poems, stories and pictures: Lowell's The Maple Puts her Coral on in May	

For suggestions in regard to pictures and other selections from literature, *see* lists on pages 135–56.

Trees for special study

1911–12.	Apple	In addition to this in grades 4–8 make detailed study of one conifer and compare with deciduous tree.
1912–13.	Locust	
1913–14.	Elm	
1914–15.	Maple [*see* model outline p. 134]	

Trees to be recognized

Two kinds of fruit trees, one conifer and any other four of the following:

1911–12. Hemlock, pine, peach, pear, hickory, cucumber tree, maple, locust, ash, basswood

1912–13. Hemlock, spruce, cherry, quince, horse-chestnut, alder, elm, poplar, tamarack (larch)

1913–14. Spruce, pine, juniper, plum, apple, walnut, dogwood, maple, sumac, oak, fir, tulip tree

1914–15. Maple [*see* model outline p. 134]

Poems, stories and pictures [*see* lists p.135–56]

SUGGESTED MATERIAL FOR USE OF TEACHERS

Current helps

Through the cooperation of Dean Bailey and the faculty of the College of Agriculture at Cornell University, the *Rural School Leaflet* published monthly by that college will hereafter treat seasonally of the topics in this syllabus. This magazine can be had upon application, without charge, and it should be in the hands of every teacher . *Nature Study Leaflets*, a bound volume of valuable articles issued also by the College of Agriculture, may be had from that college for the mere cost of postage.

Bulletins

Among the valuable bulletins issued by Cornell University and by the Department of Agriculture, Washington, D. C., the following will be found particularly serviceable:

Publications of the United States Department of Agriculture

Seeds

FARMERS' BULLETINS

No. 278 Leguminous Crops for Green Manuring
194 Alfalfa Seed
229 The Production of Good Seed-corn
253 The Germination of Seed-corn
260 Seed of Red Clover and its Impurities

Forestry trees

FARMERS' BULLETINS

No. 173 Primer of Forestry
228 Forest Planting and Farm Management
252 Maple Sugar and Syrup

REPRINTS FROM YEARBOOK OF DEPARTMENT OF AGRICULTURE

No. 208 (Year 1900) Fungus Diseases of Forest Trees
329 (Year 1903) The Relation of Forests to Stream Flow

Care of animals

FARMERS' BULLETINS

No. 22 The Feeding of Farm Animals
41 Fowls — Care and Feeding
170 Principles of Horse Feeding
182 Poultry as Food
51 Standard Varieties of Poultry
64 Ducks and Geese
141 Poultry Raising on the Farm
287 Poultry Management
29 Souring of Milk and Other Changes in Milk Products
63 Care of Milk on the Farm
74 Milk as a Food
128 Eggs and their Uses as Food
241 Butter Making on the Farm

Farming and gardening

FARMERS' BULLETINS

No. 35 Potato Culture
113 The Apple and How to Grow It
154 The Home Fruit Garden — Preparation and Care
157 The Propagation of Plants
185 Beautifying the Home Grounds
218 The School Garden
255 The Home Vegetable Garden
289 Beans
199 Corn Growing
215 Alfalfa Growing
224 Canadian Field Peas
28 Weeds and How to Kill Them
Division of Botany Circular 27, The Canada Thistle

Birds

Division of Biological Survey Circular 17, Bird Day in the Schools
Farmers' Bulletin 54, Some Common Birds in their Relation to Agriculture

BUREAU OF BIOLOGICAL SURVEY BULLETINS

No. 15 The Relation of Sparrows to Agriculture
7 Preliminary Report on the Food of Woodpeckers. 10 *cents each*

Insects

FARMERS' BULLETINS

No. 59 Bee Keeping
99 Insect Enemies of Shade Trees
127 Important Insecticides: Directions for their Preparation and Use
155 How Insects Affect Health in Rural Districts
247 The Control of the Codling Moth and Apple Scab
264 The Brown-tail Moth and How to Control It
275 The Gipsy Moth and How to Control It

BUREAU OF ENTOMOLOGY CIRCULARS

No. 5 The Carpet Beetle, or Buffalo Moth
9 Canker Worms
13 Mosquitoes and Fleas
15 General Work against Insects which Defoliate Shade Trees in Cities and Towns
20 The Woolly Aphis of the Apple
59 Corn Root-worms
60 The Imported Cabbage Worm
62 The Cabbage Worm
63 Root-maggots and How to Control Them
64 The Cottony Maple Scale
67 The Clover Root Borer
71 House Flies
72 Key to the Known Larvae of Mosquitoes in United States
79 Brood Diseases of Bees
34 House Ants

Publications of New York State College of Agriculture

EXPERIMENT STATION BULLETINS

No. 154 Computing Rations for Farm Animals
212 Cost of Producing Eggs
210 Commercial Bean Growing in New York
228 Potato Growing in New York
239 Some Diseases of Beans
255 Bean Anthracnose
142 The Codling Moth
144 Suggestions on Spraying and on San José Scale
149 Some Spraying Mixtures
170 Tent Caterpillars
245 Spray Calendar

Texts for teachers' use

The teacher needs a few reliable texts. The following are recommended:

Birds

Chapman, Frank M. Bird Life. N. Y. Appleton $1.75
Beebe, C. W. The Bird, its Form and Function. N. Y. Holt $3.50
Forbush, E. H. Useful Birds and their Protection. Mass. State Board of Agriculture $1.36

Animals

Kellogg, V. L. First Lessons in Zoology. N. Y. Holt $1.12
Jordan, D. S., Kellogg, V. L. & Heath, H. Animals. N. Y. Appleton $1.80

Plants

Dana, W. S. How to Know Wild Flowers. N. Y. Scribner $2
Bailey, L. H. Lessons with Plants. N. Y. Macmillan $1.10
Coulter, J. M. Plants. N. Y. Appleton $1

Insects

Comstock, J. H. Insect Life. N. Y. Appleton $2.50
Comstock, J. H. & A. B. Manual for the Study of Insects. Ithaca Comstock Pub. Co. $3.75

Trees

Keeler, Harriet L. Our Native Trees. N. Y. Scribner $2
Mathews, F. S. Familiar Trees. N. Y. Appleton $1.75
Emerson, A. I. & Wæd, C. M. Our Trees, How to Know Them. Phila. Lippincott $3

Agriculture

Bailey. Principles of Agriculture
Warren. Elements of Agriculture
Goff, Mayne. First Principle of Agriculture
King. The Soil
Jordan. Feeding of Animals
Watson. Farm Poultry
Wing. Milk and its Products
Lodeman. Spraying of Plants

Pictures of art value

Hand photographs and stereopticon slides — copies of famous pictures illustrating the several topics considered in this course — may be rented from the Education Department for a nominal sum. For detailed information on this point see Handbook 31 or write to the Chief of the Division of Visual Instruction, Education Department.

The list of such pictures is being continually added to, and at present it includes among others the following:

Birds

Hen

Gardner. Two Mothers
Millet. Feeding the Hens

Seedtime

Millet. Sower

Animals

Troyon. Return to the Farm (cows, sheep and dog)

Dog

Landseer. Alexander and Diogenes
——— Distinguished Member of Humane Society
——— Dignity and Impudence
Reynolds. Miss Bowles (girl and dog)

Cow

Millet. Bringing Home the New Born Calf
Douglas. Mother and Daughter
Dupre. Runaway Cow
——— Milking Time (The white cow)
——— Meadow

Cat

Lambert. Family of Cats
Ronner. The Final Move

Rabbit

Munier. At the Farm

Squirrel

Durer. Squirrels

Horse

Douglas. Young England
Landseer. Shoeing
Bonheur. Horse Fair
Schreyer. Arab Scout
Hunt. The Bugler

Deer

Bonheur. Deer in the Forest
Landseer. Monarch of the Glen

Donkey

Bonheur. Humble Servant

Goat

Troyon. Goat and Sheep
Van de Velde. Goat and Kid

Lion

Bonheur. Lion at home
Kunhert. Approaching Storm
Landseer. Lion

Sheep

Waterlow. Nursery
LeRolle. Shepherdess
Millet. Shepherdess
Mauve. Spring
——— Autumn
Jacque. Sheepfold

Trees

Daubigny. Springtime
Inness. Edge of the Woods
Corot. Dance of the Nymphs
Inness. Peace and Plenty
Picknell. Bleak December

Literature of nature study

Good literature should be made an organic part of nature study. The following lists give ample material from which the teacher may make selection.

Animal poems and stories

Ant

Aesop. Ants and the Grasshopper, *see his* Fables
Ant and the Cricket, *see* Wiggin & Smith. Posy Ring, p. 78
Markham, Edwin. Little Brothers of the Ground, *see his* Man with the Hoe, p. 23
Millard, Bailey. Battle of the Ants, *see* Jordan, D. S. True Tales of Birds and Beasts, p. 100

Bat

Pierson, Clara D. Little Bat Who Wouldn't Go to Bed, *see her* Among the Forest People, p. 123
Pyle, Katharine. Tame Bat, *see her* Stories of Humble Friends, p. 98
Bats and Vampires, *see* Lang, A. Red Book of Animal Stories, p. 196

Bee

Scollard, Clinton. Bee Balm, *see his* Lyric Bough, p. 62
——— The Trumpeter, *see his* Boy's Book of Rhyme, p. 44
Kipling, Rudyard. Red Dog, *see his* Second Jungle Book, p. 239

Bumblebee

Emerson, R. W. Bumble Bee, *see his* Poems
Dodge, Mary Mapes. The Bees that Went to the Sky, *see her* When Life is Young, p. 224

Butterfly

Wordsworth, William. To a Butterfly, *see his* Poems
Story of the First Butterflies, *see* Holbrook, F. Book of Nature Myths, p. 10

Cat

Wordsworth, William. Kitten and the Fallen Leaves, *see his* Poems
For I am the Family Cat, *see* McMurray & Cook. Songs of Tree-top and Meadow, p. 52
Why the Cat Always Falls upon Her Feet, *see* Holbrook, Florence. Book of Nature Myths, p. 19

Caterpillar

Thomas, Edith M. A Cocoon, *see her* Cassia, p. 37
Rosetti, Christina G. Brown and Fuzzy, *see her* Sing-song, p. 41
Pyle, K. Story of a Caterpillar, *see her* Stories of Humble Friends, p. 7

Cow

Stevenson, R. L. The Cow, *see his* Child's Garden of Verses, p. 23
Taylor, Jane. Thank You Pretty Cow, *see* Ingpen. One Thousand Poems for Children, p. 9

Cricket

Sill, Edward R. Crickets in the Field, *see his* Poems, p. 388
Markham, Edwin. The Cricket, *see his* Man with the Hoe, p. 61
Roberts, C. G. D. The Cricket, *see his* Poems, p. 159
Cricket and the Poet, *see* Bailey & Lewis. For the Children's Hour, p. 205

Deer

Scott, Walter, *see his* Lady of the Lake, canto 1, The Chase
Thomson, James. The Stag, *extract from his* Seasons: Autumn
Why the Hoofs of the Deer are Split, *see* Holbrook, F. Book of Nature Myths, p. 79
Bryant, W. C. White-footed Deer, *see his* Poems

Dog

Gilder, R. W. Leo, *see* Richardson. Poets' Dogs, p. 139
Trowbridge, J. T. Vagabonds, *see* Richardson. Poets' Dogs, p. 78
Aicard, Jean. The Dog that Lied, *see* Jordan, D. S. True Tales of Birds and Beasts, p. 123

Donkey

Aesop. Donkey and the Salt, *see his* Fables
Ortoli, Frederic. King of the Lions, *see his* Evening Tales, p. 189
Honest Big Ears, *see* Lummis, C. F. Man who Married the Moon, p. 103

Dragon fly

Duffield, S. W. Two of a Trade, *see* Brown, E. V. Stories of Woods and Fields, p. 190
Rand, T. H. The Dragon Fly, *see his* Treasury of Canadian Verse, p. 273
Daulton, A. M. Jolly Little Tars, *see her* Wings and Stings, p. 71

Earthworm

Pierson, Clara D. The Earthworm Half-brothers, *see her* Among the Meadow People, p. 95
Turner, E. The Worm, *see* Lucas. Book of Verses for Children, p. 136

Fly

MacKeller, Thomas. To a Troublesome Fly, *see* Burroughs. Songs of Nature, p. 234
Blake, William. The Fly, *see his* Songs of Innocence
Story of the Bees and the Flies, *see* Holbrook. Book of Nature Myths, p. 93
Oldys, W. To a Fly, *see* Ingpen. One Thousand Poems for Children, p. 207

Frog

Grimm. Frog Prince, *see his* Household Tales
Andrews, Jane. Sixty-two Little Tadpoles, *see her* Stories Mother Nature Told her Children, p. 147
Roberts, C. G. D. Frogs, *see his* Poems, p. 49
Belloc, Hilaire. The Frog, *see* Lucas, E. V. Book of Verses for Children, p. 105
Hawkshaw. The Chorus of Frogs, *see* Ingpen. One Thousand Poems for Children, p. 19

Fox

Aesop. Fox and the Grapes, *see his* Fables
Jordan, David Starr. Little Blue Fox, *see his* True Tales of Birds and Beasts, p. 80
Travels of a Fox, *see* Bailey & Lewis. For the Children's Hour, p. 298

Goat

Grimm. Wolf and the Seven Little Kids, *see his* Household Tales

Grasshopper

Keats, J. The Grasshopper and Cricket, *see his* Poems
Lord Longlegs Procession, *see* Griffis, W. E. The Firefly's Lovers and Other Fairy Tales of Old Japan, p. 111

Horse

Norton, Caroline E. S. The Arab to his Favorite Steed, *see* **Carmen,** Bliss. Library of the World's Best Poetry, 5:366
Baldwin, James. Wonderbook of Horses. N. Y. Century 1908
Harte, Bret. Chiquita *see his* Poems
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Ladybug

Bronson, C. W. Lady-bug, *see* Lovejoy. Nature in Verse, p. 169

Lion

Holmes, O. W. To a Caged Lion, *see his* Poems
A. T. J. C. Sage Counsel, *see* Lucas, E. V. Book of Verses for Children, p. 103
Lion and the Mouse, *see* Baldwin. Fairy Stories and Fables, p. 120
Sir Ivaine, *see* Radford, M. L. King Arthur and his Knights, p. 99

Moth

Sill, Louise M. To a Harlequin Moth, *see her* In Sun or Shade, p. 9
Allen, Grant. Only an Insect, *see* Rand. Treasury of Canadian Verse, p. 3

Mouse

Burroughs, J. A Brave Mouse, *see* Burt. Nature Studies from John Burroughs, p. 1
War-dance of the Mice, *see* Lummis, C. F. Man who Married the Moon, p. 24

Mosquito

Bryant, W. C. To a Mosquito, *see his* Poems
Pierson, Clara D. The Wigglers Become Mosquitos, *see her* Among the Night People, p. 15

Field mouse

Burns, Robert. To a Mouse, *see his* Poems
Doctor Fieldmouse, *see* Lummis, C. F. Man who Married the Moon, p. 232

Muskrat

Lonely Old Bachelor Muskrat, *see* Pierson. Among the Night People, p. 110
Muskrat, *see* Kelly. Short Stories, p. 209
Playful Muskrats *see* Pierson. Among the Pond People, p. 200

Rabbit

Relating How the Rabbit Became Wise, *see* Clark, H. A. A Child's Guide to Mythology, p. 62
Cowper, William. Epitaph on a Hare, *see his* Poems
Race of the Tails, *see* Lummis, C. F. Man who Married the Moon, p. 99

Rat

Browning, Robert. Pied Piper of Hamelin, *see his* Poems
Dodge, Mary Mapes. The Rats. *see her* Rhymes and Jingles, p. 101

Sheep

Blake, William. "Little Lamb, who Made Thee?" *see his* Songs of Innocence

Thomas, Edith M. What the Lambs Say, *see her* In Sunshine Land, p. 95
Scott, Duncan C. A Flock of Sheep, *see* Rand. Treasury of Canadian Verse, p. 326
Taylor, Ann. The Sheep, *see* Ingpen. One Thousand Poems for Children, p. 12

Snail

Remonstrance with the Snails, *see* Carmen, Bliss. Library of the World's Best Poetry, 5:352
Lamb, Charles. The Housekeeper, *see his* Poems
Ortoli, Frederic. Mr Snail and Brother Wolf, *see his* Evening Tales, p. 34

Spider

Lear, Edward. The Daddy Longlegs and the Fly, *see his* Nonsense Books: Nonsense Songs, p. 15
Daulton, A. M. Spider's Garden Party, *see her* Wings and Stings, p. 151
Howitt, Mary. Spider and the Fly, *see* Lucas, E. V. Book of Verses for Children, p. 83
Story of Arachne, *see* Bailey & Lewis. For the Children's Hour, p. 204

Squirrel

Emerson, R. W. Fable, The Mountain and the Squirrel, *see his* Poems
Burroughs, John. Squirrels, *see his* Squirrels, and Other Furbearers, p. 1
Scollard, Clinton. The Squirrel, *see his* Boy's Book of Rhyme, p. 40

Toad

Wadsworth, Olive A. Over in the Meadow, *see* Norton, C. A. Heart of Oak Books, 2:21
Riley, J. W. "Mister Hoptoad," *see his* Homefolks, p. 8
Burroughs, J. Song of the Toad, *see his* Bird and Bough, p. 8

Wasp

Babes in the Wood, *see* Wiggin & Smith. Story Hour, p. 96
Daulton, A. M. Air Castles and Dugouts, *see her* Wings and Stings, p. 45
Lamb, Charles & Mary. Wasps in a Garden, *see* Ingpen. One Thousand Poems for Children, p. 56

Weasel

Pierson, Clara D. The Inquisitive Weasels, *see her* Among the Night People, p. 176

Woodchuck

Haughty Ground Hog, *see* Pierson. Among the Forest People, p. 144
Timid Little Ground Hog, *see* Pierson. Among the Night People, p. 43
Woodchuck, *see* Jewett. Play Days, p. 118

Bird poems and stories

Blackbird

Tennyson, Alfred. Blackbird, *see his* Poems
Barnes, William. The Blackbird, *see* Lucas, E. V. The Open Road, p. 104
McGaffey, Ernest. The Redwing, *see* Parker. Our Friends the Birds, p. 89

Bluebird

Aldrich, T. B. Bluebird, *from his* Spring in New England, *see his* Poems, p. 67
Miller, *Mrs* **E. H.** Bluebird, *see* Wiggin & Smith. Posy Ring, p. 68
Burton, Richard. Bluebird, *see* Marble. Nature Pictures from American Poets, p. 88
Riley, J. W. First Bluebird, *see his* Songs O'Cheer, p. 64

Bobolink

Bryant, W. C. Robert of Lincoln, *see his* Poems
Hill, Thomas. Bobolink, *see* Burroughs. Songs of Nature, p. 153
Flagg, Wilson. O'Lincoln Family, *see* Burroughs. Songs of Nature, p. 290
Cranch, C. P. Bobolinks, *see* Marble. Nature Pictures from American Poets, p. 90
Scollard, Clinton. Bobolinks, *see his* Boy's Book of Rhyme, p. 34

Canary

Jewett, Sarah Orne. A Caged Bird, *see* Burroughs. Songs of Nature p. 175
Leighton, Robert. Our Canary Bird, *see* Sanderson. Birds of the Poets, p. 27
Martin, George. To my Canary Bird, *see* Rand. Treasury of Canadian Verse, p. 238

Catbird

To the Cat-bird, *see* Burroughs. Songs of Nature, p. 172
Thomas, Edith M. The Cat-bird, *see her* In Sunshine Land, p. 32

Chickadee

Gordon, J. L. Chickadee, *see* Sanderson. Birds of the Poets, p. 37
Dayre, Sidney. Chickadee, *see* Lovejoy. Poetry of the Seasons, p. 318
Emerson, R. W. Titmouse, *see his* Poems
Ives, Ella Gilbert. A Little Minister, *see* Wright, M. O. Gray Lady and the Birds, p. 27

Crow

Whitney, A. D. T. The Crow, *see* Sanderson. Birds of the Poets, p. 43
Scollard, Clinton. Jim Crow, *see his* Lyric Bough, p. 101
Canton, William. The Crow, *see* Rinder. Poems and Lyrics of Nature, p. 49
Miller, Olive Thorne. How the Baby Crow was Punished, *see her* True Bird Stories, p. 133
Bolles, Frank. The Crow, *see* Wright, M. O. Gray Lady and the Birds, p. 123

Duck

Scollard, Clinton. Ducks, *see his* Boy's Book of Rhyme, p. 10
Miller, Olive Thorne. Ducklings Who Would not Give Up, *see her* True Bird Stories, p. 151

Eagle

Sharp, William. Hymn of the Eagle, *see* Paton. Bards and Birds, p. 313
Cook, Eliza. Song of the Eagle, *see* Sanderson. Birds of the Poets, p. 49
Tennyson, Alfred. The Eagle, *see his* Poems
Zitkala-Sa. Shooting the Red Eagle, *see* Old Indian Legends, p. 91

Goldfinch

Keats, John. "I Stood Tiptoe upon a Little Hill," *see his* Poems
Larned, Augusta. Goldfinch, *see* Sanderson. Birds of the Poets, p. 59
Miller, Olive Thorne. The Goldfinch's Fright, *see her* True Bird Stories, p. 9

Flicker

Oldham, Edward A. Yellowhammer's Tap, *see* Sanderson. Birds of the Poets, p. 196
Newkirk, Garrett. Mr Flicker Writes a Letter, *see* Wright, M. O. Gray Lady and the Birds, p. 192

Goose

Roberts, C. G. D. Flight of the Geese, *see* Burroughs. Songs of Nature, p. 60
Thaxter, Celia. Wild Geese, *see* Burroughs. Songs of Nature, p. 208
Thomas, Edith M. A Flock of Wild Geese, *from* Sylvia and the Birds, *see her* In Sunshine Land, p. 9

Grackle

Cowper, William. Jackdaw, *see his* Poems
Aesop. Jackdaw and the Doves (fable), *see his* Fables
Barham, R. H. The Jackdaw of Rheims, *see* Byrant. New Library of Poetry and Song, p. 965

Hawk

Hayne, P. H. The Hawk, *see* Williams. Through the Year with Birds and Poets, p. 195
Roberts, C. G. D. Night-hawk, *see* Williams. Through the Year with Birds and Poets, p. 116
The King and his Hawk, *see* Baldwin. Fifty Famous Stories Retold, p. 113

Hen

The Chickens, *see* McMurray & Cook. Songs of Tree-top and Meadow, p. 122
Thomson, James. The Careful Hen, *from the* Seasons: Spring, *see* Bryant. New Library of Poetry and Song, p. 470
Sister-hen and the Crocodile, *see* Brown, A. F. Curious Book of Birds, p. 145

Hummingbird

Clarke, Ednah P. Humming Bird, *see* Burroughs. Songs of Nature, p. 170
Tabb, John B. Humming Bird, *see* Burroughs. Songs of Nature, p. 215
Murray, George. To a Humming Bird in a Garden, *see* Burroughs. Songs of Nature, p. 47
Fawcett, Edgar. A Humming Bird, *see* Sanderson. Birds of the Poets, p. 69
Cheney, John Vance. To a Humming Bird, *see* Lovejoy. Poetry of the Seasons, p. 149

Junco

Butterworth, Hezekiah. Snowbird, *see* Lovejoy. Poetry of the Seasons, p. 287
Goodale, Dora R. Snowbird, *see* Wright, M. O. Gray Lady and the Birds, p. 300
Sherman, F. D. Snowbird, *see his* Little Folks Lyrics, p. 120

Maryland yellowthroat

Van Dyke, Henry. Song of the Yellow Throat, *from* Anglers Reveille, *see his* The Tolling of Felix, p. 67
——— The Maryland Yellow-throat, *see his* The Builders, p. 25

Meadow lark

Coolbrith, Ina. Meadowlarks, *see* Marble. Nature Pictures by American Poets, p. 81
Higginson, Ella. Meadowlark, *see her* When the Birds Go North Again, p. 10
Garland, Hamlin. The Meadowlark, *see his* Prairie Songs, p. 27

Nuthatch

Thomas, Edith M. To a Nuthatch, *see* Sanderson. Birds of the Poets, p. 90

Oriole

The Orioles, *see* Whittier. Child Life, p. 64
Howells, W. D. Song the Oriole Sings, *see* Burroughs. Songs of Nature, p. 74
Lowell, J. R. The Nest, *see his* Poems
——— "Hush, 'tis He My Oriole," *from* Under the Willows, *see his* Poems
Gillespy, Francis B. The Oriole's Journey, *see* Bailey & Lewis. For the Children's Hour, p. 171

Ovenbird

Whitney, A. D. T. The Ovenbird, *see* Sanderson. Birds of the Poets, p. 96
Bolles, Frank. The Ovenbird, *see* Parker. Our Friends, the Birds, p. 160

Owl

Burns, Robert. To the Owl, *see his* Poems
Tennyson, Alfred. The Owl, *see his* Poems
Lanier. Owl Against Robin, *see his* Poems
Great Brown Owl, *see* Ingpen. One Thousand Poems for Children, p. 17
Why Mr Great Horned Owl Hatched the Eggs, *see* Pierson. Among the Forest People, p. 21

Pewee

Trowbridge, J. T. Pewee, *see* Burroughs. Songs of Nature, p. 87

Phoebe

Lowell, J. R. Phoebe, *see his* Poems
Thomas, Edith M. Phoebe, *see* Wright, M. O. Gray Lady and the Birds, p. 355

Robin

Caldwell, W. W. Robin's Come, *see* Burroughs, Songs of Nature, p. 194
Aldrich, T. B. Winter Robin, *see his* Later Lyrics, p. 27
Wordsworth, William. To a Redbreast, *see his* Poems
Scollard, Clinton. The Robin, *see* his Boy's Book of Rhyme, p. 24

Sandpiper

Thaxter, Celia. The Sandpiper, *see her* Poems
Scott, Duncan C. Sandpipers, *see* Williams. Through the Year with the Birds and Poets, p. 218
Dana, Richard H. Little Beach-bird, *see* Williams. Through the Year with the Birds and Poets, p. 219

Sparrow

Forsyth, Mary I. English Sparrows, *see* Burroughs. Songs of Nature, p. 233.
Lear, Edward. Mr and Mrs Spikky Sparrow, *see his* Nonsense Books: Nonsense Songs, p. 28

Song sparrow

Lathrop, George P. Song Sparrow, *see* Burroughs. Songs of Nature, p. 295
Seton, Ernest Thompson. Myth of the Song Sparrow, *see* Walker, M. C. Our Birds and their Nestlings, p. 52
Van Dyke, Henry. Song Sparrow, *see* Burroughs. Songs of Nature, p. 216
Larcom, Lucy. Song Sparrow, *see* Parker. Our Friends, the Birds, p. 97

Swallow

Arnold, Edwin. Swallows, *see* Wiggin & Smith. Posy Ring, p. 53
Hovey, Richard. Swallow Song, *see* Marble. Nature Pictures from American Poets, p. 82
Miller, Emily H. The Swallows, *see* McMurray & Cook. Songs of Tree-top and Meadow, p. 160
Meredith, Owen. The Swallow, *see his* Poems

Chimney swift

White, Gilbert. Selections from Natural History of Selborne, *see* Warner's Library of World's Best Literature, 39:15871

Goodale, Dora R. To a Chimney Swift, *see* Wright, M. O. Gray Lady and the Birds, p. 374

Brown thrasher

Larcom, Lucy. Brown Thrush, *see* Whittier. Child Life, p. 70

Washington, Lucy H. To a Brown Thrush, *see* Sanderson. Birds of the Poets, p. 168

Wright, Mabel. Brown Thrasher, *see her* Citizen Bird, p. 140

Thrush

Sill, E. R. The Thrush, *see his* Poems

Fox, Charles A. The Thrush, *see* Rinder. Poems and Lyrics of Nature, p. 108

Dobson, Austin. Ballad of the Thrush, *see his* Poems

Newkirk, Garrett. Woodthrush and the Whippoorwill, *see* Wright, M. O. Gray Lady and the Birds, p. 368

Red-eyed vireo

Thoreau, H. D. The Vireo, *see* Sanderson. Birds of the Poets, p. 181

Lee, Faith C. Red-eyed Vireo, *see* Wright, M. O. Gray Lady and the Birds, p. 407

Lampman, Archibald. To the Warbling Vireo, *see* Williams. Through the Year with Birds and Poets, p. 178

Ruprecht, J. T. Red-eved Vireo, *see* Williams. Through the Year with Birds and Poets, p. 179

Warbler

Scollard, Clinton. The Warbler, *see his* Lyric Bough, p. 75

Cook, Rose Terry. Selection *from her* "My Appletree," *see* Williams. Through the Year with Birds and Poets, p. 293

Woodpecker

Marvel, Andrew. Woodpecker, *see* Sanderson. Birds of the Poets, p. 189

The Woodpecker, *see* McMurray & Cook. Songs of the Tree-tops and Meadows, p. 130

Burroughs, John. Downy Woodpecker, *see his* Bird and Bough, p. 54

Wren

Scollard, Clinton. A Spring Meeting (Robin to Wren), *see his* Boy's Book of Rhyme, p. 32

——— A Little Brown Wren, *see his* Boy's Book of Rhyme, p. 7

Tennyson, Alfred. The Window; or the Song of the Wrens, *see his* Poems

Wren Who Brought Fire, *see* Brown, A. F. Curious Book of Birds, p. 39

Poems and stories of trees and flowers

Alder

Higginson, T. W. Selection *from his* Procession of the Flowers, p. 5–6, 36–37

Anemone

Sherman, F. D. Anemone, *see his* Little Folks Lyrics, p. 18
Scollard, Clinton. Autumn Anemones, *see his* Voices and Visions, p. 46
Meredith, Owen. The White Anemone, *see* Wiggin & Smith. Golden Numbers, p. 80

Apple

Uhland, J. L. Wayside Inn, *see* Stone & Fickett. Trees in Prose and Poetry, p. 58
Riley, J. W. Little-red-apple Tree, *see his* Rhymes of Childhood, p. 3–4
Martin, William. Apple Orchard in the Spring, *see* Lovejoy. Poetry of the Seasons, p. 75
Brown, Kate L. Apple Blossoms, *see* McMurray & Cook. Songs of Tree-top and Meadow, p. 125

Ash

Kipling, Rudyard. A Tree Song, *see his* Puck of Pook's Hill, p. 29
Wordsworth, William. The Ash, *see his* Prelude, bk VI, p. 11, 78–85
Legend of the Mountain Ash, *see* Stone. Trees in Prose and Poetry, p. 60

Aster

Eaton, A. W. H. Purple Asters, *see* Rand. Treasury of Canadian Verse, p. 110
Goldenrod and Asters, *see* Bailey & Lewis. For the Children's Hour, p. 199

Basswood

Miraculous Pitcher, *see* Hawthorne. Wonderbook, p. 138
Oak Tree and the Linden, *see* Bailey & Lewis. For the Children's Hour, p. 185

Bean

Why the Bean Wears a Stripe Down the Back, *see* Bailey & Lewis. For the Children's Hour, p. 72
Grimm. The Straw, the Coal and the Bean, *see his* Household Tales

Beech

Campbell, Thomas. The Beechtree's Petition, *see his* Poems, p. 240
Thomas, Edith M. The Unleafed Beech, *see her* Cassia, p. 34
Cawein, Madison J. In the Shadow of the Beechers, *see* Stone. Trees in Prose and Poetry, p. 131

Birch

Longfellow, H. W. Hiawatha's Sailing, *see his* Poems
Lowell, J. R. Birch Tree, *see his* Poems
Scollard, Clinton. White Birch, *see his* Lyric Bough, p. 91
Larcom, Lucy. Swinging on a Birch Tree, *see her* Poems, p. 140

Bloodroot

E. S. F. Blood-root, *see* Burroughs. Songs of Nature, p. 177

Bluet

Thomas, Edith M. Innocence, *see her* Sunshine Land, p. 63

If You Find a Starry Bluet, *see* Brown, E. V. Stories of Woods and Fields, p. 124

Buttercup

Field, Eugene. Buttercup, Poppy, Forgetmenot, *in his* With Trumpet and Drum, p. 44

Ingelow, Jean. Buttercups, *see* Gilman. Songs of Favorite Flowers, p. 20

Cedar

Landon, L. E. Cedars of Lebanon, *see* Le Roy. Pieces for Every Occasion, p. 270

Cherry

Hawkshaw. Freddie and the Cherry Tree, *see* Ingpen. One Thousand Poems for Children, p. 72

Herrick, Robert. To Cherry Blossoms, *see his* Poems, 1:100

Bjornson, B. The Cherry Tree, *see* McMurray & Cook. Songs of Tree-top and Meadow, p. 119

Sherman, F. D. Cherries, *see his* Little Folks Lyrics, p. 55

Chestnut

Scollard, Clinton. Falling of the Burrs, *see his* Hills of Song, p. 42

Clover

Holm, Saxe. A Song of Clover, *see* Lovejoy. Nature in Verse, p. 121

Higginson, Ella. Four Leaf Clover, *see* Marble. Nature Pictures from American Poets, p. 142

Stanton, Adele T. Clover, *see* Lowell. Nature Lovers' Treasury, p. 74

Jellife, Helena L. Clovers, *see* McMurray & Cook. Songs of Tree-top and Meadow, p. 139

Columbine

Goodale, Elaine. Columbine, *see* Marble. Nature Pictures from American Poets, p. 122

Burroughs, John. Columbine, *see his* Bird and Bough, p. 33

Corn

Whittier, J. G. Corn Song, *see his* Poems

Fosdick, William W. Maize, *see* Carmen, Bliss. Library of the World's Best Poetry, p. 267

Baby Corn, *see* Wiggin. Posy Ring, p. 93

Burton, Richard. Autumn Corn, *see his* Message and Melody, p. 113

Story of the First Corn. *Adapted from* Hiawatha, *see* Bailey & Lewis. For the Children's Hour, p. 221

Crocus

King, Harriet E. H. Crocus, *see* Burroughs. Songs of Nature, p. 34
Cotterell, George. Crocuses, *see* Rinder. Poems and Lyrics of Nature, p. 58
Sherwood, Kate B. First Crocus, *see* Lovejoy. Poetry of the Seasons, p. 51

Daisy

Montgomery, James. Daisy, *see* Burroughs. Songs of Nature, p. 287
Keats, John. Daisy's Song, *see* Wiggin. Posy Ring, p. 103
Goodale, Dora R. Daisies, *see* Marble. Nature Pictures from American Poets, p. 121
Rodd, Rennell. The Daisy, *see* Rinder. Poems and Lyrics of Nature, p. 219
Carmen, Bliss. The Daisies, *see* Lucas. Open Road, p. 114
Sherman, Frank D. *See* Stone. Songs of Tree-top and Meadow, p. 114

Dandelion

Cone, Helen G. Dandelions, *see* Burroughs. Songs of Nature, p. 304
Lowell, J. R. To the Dandelion, *see his* Poems
Brown, Kate L. Dandelion, *see* Lovejoy. Nature in Verse, p. 66
Mulock, Dinah M. Dandelion, *see* Wiggin & Smith. Posy Ring, p. 87

Elm

Hood, Thomas. Elm Tree, *see his* Poems
Holmes, O. W. Under the Washington Elm, *see his* Poems
———— Some Famous Elms, *see his* Autocrat of the Breakfast Table, ch. 10
Riley, J. W. Noble Old Elm, *see his* Book of Joyous Children, p. 64
Scollard, Clinton. Music, *see his* Voices and Visions, p. 40

Fir

Hood, Thomas. I Remember, I Remember, *see his* Poems
Andersen, Hans C. Fir Tree, *see his* Danish Fairy Tales, p. 22
Wheelock, Lucy. The Legend of the Christmas Tree, *see* Bailey & Lewis. For the Children's Hour, p. 237

Geranium

Wordsworth, William. Poor Robin, *see his* Poems

Goldenrod

Deland, Margaret. Golden Rod, *see* Marble. Nature Pictures from American Poets, p. 133
Thaxter, Celia. Seaside Golden Rod, *see her* Poems, p. 92
Larcom, Lucy. Golden Rod, *see her* Poems, p. 226
Goodale, Elaine. Golden Rod, *see* Bryant. Library Poetry and Song, p. 433

Hemlock

Longfellow, H. W. Hemlock Tree, *see his* Poems
Thomas, Edith M. Autumn Fashions, *see her* In Sunshine Land, p. 77

Hepatica

Burroughs, John. Hepatica, *see his* Bud and Bough, p. 16
Rand, Theodore H. Hepatica, *see his* Treasury of Canadian Verse, p. 27

Horse-chestnut

Longfellow, H. W. From my Armchair, *see his* Poems
Van Rensselaer, Martha G. Horsechestnuts, a Fancy, *see* Harper's Magazine, April 1887

Iris

Longfellow, H. W. Flower-de-luce, *see his* Poems
Field, Michael. Iris, *see* Stedman. Victorian Anthology, p. 521

Jack-in-the-pulpit

Smith, Clara. Jack-in-the-pulpit, *see* Whittier. Child Life, p. 96
Larcom, Lucy. Jack-in-the-pulpit, *see her* Poems, p. 126

Lady's slipper

Lisle, Marion. The Lady's Slipper, *see* McMurray & Cook. Songs of Tree-top and Meadow, p. 121

Laurel

Higginson, Ella. The Laurels, *see her* The Voice of April-land, p. 50
Daphne, *see* Baldwin. Old Greek Stories, p. 52
Wordsworth, William. " Adieu Rydalian Laurels," *see his* Poems

Lily

Aldrich. Tiger-lilies, *see* Lovejoy. Poetry of the Seasons, p. 165
Clare, John. Lily of the Valley, *see* Gilman. Songs of Favorite Flowers, p. 35
Wheelock. Song of the Lilies, *see* McMurray & Cook. Songs of the Tree-top and Meadow, p. 103
Macdonald, George. Little White Lily, *see* McMurray & Cook. Songs of the Tree-top and Meadow, p. 149

Locust

Mifflin, Lloyd. The Locust Tree, *see his* Slopes of Helicon, p. 43
Roberts, C. G. D. O Purple Hang the Pods, *see his* Poems, p. 170

Maple

Lowell, J. R. The Maple, *see his* Poems
Mifflin, Lloyd. To a Maple Seed, *see his* At the Gates of Song, p. 40
Moddie, Susanna. The Maple Tree, *see* Rand. Treasury of Canadian Verse, p. 244
Roberts, C. G. D. The Maple, *see his* Poems, p. 219

Marsh marigold

Scollard, Clinton. " There's Necromancy Still," *see his* Voices and Visions, p. 25

Milkweed

Howell, Elizabeth M. Milkweed Pods, *see* Wilson. Nature Study in Elementary Schools, p. 32

Smith, Eleanor. Milkweed Babies, *see her* Songs for Little Children, no. 2

Scollard, Clinton. Milkweed, *see his* Old and New World Lyrics, p. 142

Oak

Chorley, Henry F. Brave Old Oak, *see* Carmen. Library of the World's Best Poetry, 5:220

Thomas, E. M. Oak and Acorn, *see her* In Sunshine Land, p. 74

Oak Tree and the Linden, *see* Bailey & Lewis. For the Children's Hour, p. 185

Howitt, Mary. Oak Tree, *see* Wilson. Nature Study in Elementary Schools, p. 162

Lowell, J. R. The Oak, *see his* Poems

Field, Eugene. Oak Tree and the Ivy, *see his* Little Book of Profitable Tales, p. 105

Pansy

Cone, Helen. A Yellow Pansy, *see* Marble. Nature Pictures from American Poets, p. 124

Thomas, Edith M. The Stolen Pansies, *see her* In Sunshine Land, p. 69

Pansy Song, *see* Lovejoy. Nature in Verse, p. 125

Pea

Keats, J. Sweet Peas, *from* "I Stood a Tip-toe upon a Little Hill," 1:56–60, *see his* Poems

Roberts, C. G. D. The Peafields, *see his* Poems, p. 51

Peach

Lamb, Charles. The Peach, *see* Ingpen. One Thousand Poems for Children, p. 74

Field, Eugene. The Little Peach, *see his* Little Book of Western Verse, p. 54

Foolish Peach Blossoms, *see* Half a Hundred Stories, p. 127

Pear

Morris, W. Tapestry Trees, *see his* Poems by the Way, p. 147

Pine

Longfellow, H. W. Building of the Ship, *see his* Poems

Burroughs, John. Spray of the Pine, *see his* Signs and Seasons, p. 39–51

Thomas, Edith M. How the Pine Went to Sea, *see her* In Sunshine Land, p. 134

Lowell, J. R. To a Pine Tree, *see his* Poems

Plum tree

Scollard, Clinton. Wild Plum, *see his* Hills of Song, p. 27

Poplar

Thomas, Edith M. The Poplar Tree, *see her* In Sunshine Land, p. 75
Cowper, William. The Poplar Field, *see his* Poems, p. 376
Why the Aspen Leaves Tremble, *see* Holbrook, F. Book of Nature Myths, p. 122

Poppy

Jackson, Helen Hunt. Poppies in the Wheat, *see* Marble. Nature Pictures from American Poets, p. 136
Coolbrith, Ina D. Copa de Ora, (California Poppy), *see* Carmen, Bliss. Library of World's Best Poetry, 5:281
Markham, Edwin. In Poppy Fields, *see his* Man with the Hoe, p. 89
Hunt, Leigh. " We are the Slumbrous Poppies," *from his* Chorus of the Flowers, *see his* Poems

Spruce

Why the Evergreen Trees Never Lose their Leaves, *see* Holbrook, F. M. Book of Nature Myths, p. 118

Strawberry

Jackson, H. H. My Strawberry, *see* Knowles. Golden Treasury of American Songs and Lyrics, p. 167
Scollard, Clinton. Strawberries, *see his* Hills of Song, p. 87
Wordsworth, William. Foresight, *see his* Poems, p. 201

Thistle

Gilder, R. W. Thistle Down, *see his* Poems
Thomas, Edith M. The Flower of the Thistle, *see her* In Sunshine Land, p. 66
——— Butterfly and Thistle Ball, *see her* In Sunshine Land, p. 71

Tomato

The Tomato Story, *see* Bailey & Lewis. For the Children's Hour, p. 53

Trillium

Laurence, Ray. Wake Robin, *quoted in* Junior Naturalist Monthly, April 1904

Tulip

Thompson, Maurice. The Tulip, *see his* Songs of Fair Weather, p. 74
Riley, Alice C. D. Gold and Crimson Tulips, *see* Haines, J. D. The Gardeyne Boke, p. 20

Tulip tree

Taylor, Bayard. Tulip Tree, *see his* Poems of Home and Travel, p. 95

Violet

Wordsworth, William. "She Dwelt among Untrodden Ways," *see his* Poems

Mulock, Dinah M. Violets, *see* Wiggin & Smith. Posy Ring, p. 85

Willis, N. P. April, *see his* Fugitive Poetry, p. 62

Vicontarl. The Violet Grave, *see* Gilman. Songs of Favorite Flowers, p. 18

Walnut

Walnut Tree that Wanted to Bear Tulips, *see* Howliston. Cat-tales, p. 60

Willow

Plummer, M. E. Pussy Willows, *see* Songs of Tree-top and Meadow, p. 100

Lowell, J. R. Under the Willows (selection), *see his* Poems

Akers, Elizabeth. The Willows, *see* Bellamy & Goodwin. Open Sesame, 3:143

II INTERMEDIATE COURSE

ENGLISH

SEVENTH YEAR

Reading

I *Reading.* Appreciative reading of the following selections: *Pied Piper of Hamelin,* Browning; *How They Brought the Good News from Ghent to Aix,* Browning; *Hervé Riel,* Browning; *Ivry,* Macaulay; *The Spy,* Cooper, or *Christmas Stories,* Dickens. Use of library books.

Language

II *Composition.* Oral and written descriptions, narrations, characterizations, expositions and letters based upon pupils' reading, experience and knowledge. Simple descriptions from literature examined, and *fundamental* rules of procedure formulated. Paragraphing continued.

III *Drill* on correct oral and written forms of expression.

IV *Memorizing* selections from prose and poetry.

Grammar

V Technical grammar with the textbook. Sentences classified as to form — simple, complex or compound. Phrases and clauses classified as to use — noun, adjective or abverbial. Analysis of simple sentences. Parsing. Classes, inflections and syntax of adjectives, adverbs, prepositions and conjunctions. Classes and syntax of verbs, conjugation of the verb begun. The tenses belonging to each mode. Drill in the use of tenses. Person and number: determined by the person and number of the subject. Conjugation: the conjugation of the verb should be begun in this grade and completed in the eighth. Much practice in oral and written conjugation of verbs in the different modes and tenses.

Spelling

VI Words from the spelling book and other selected words. Synonyms. Use of dictionary.

Penmanship

VII From dictation and copy books.

Children's reading

Library books and, at least, three books from the following list:

Alexander-Blake. Graded Poetry; Seventh Year
Barbour, R. H. For the Honor of the School
Baldwin, James. American Book of Golden Deeds
Civil War Stories; pub. by Century Co.
Cotes, S. J. Story of Sonny Sahib
Crothers, S. M. Miss Muffet's Christmas Party
Davis, R. H. Stories for Boys
English History Stories; pub. by Merrill.
Doyle, Conan. Micah Clark
Doubleday, Russell. Stories of Inventions
Golding, Vautier. Story of Stanley
Goss, W. L. Recollections of a Private
Hughes, Thomas. Tom Brown's School Days
Hawthorne, Nathaniel. Grandfather's Chair
Parton, James. Captains of Industry
Richards, Laura. Captain January
Tappan, E. M. In the Days of Queen Victoria
Wiggin, K. D. Polly Oliver's Problem
Wright, Mabel O. Lady Gray and the Birds

Selections for study and memorizing

At least six of the following selections should be memorized:

Alfred, *Lord* Tennyson. Sir Galahad
Carroll, Lewis. A Song of Love
Holmes, Oliver W. The Chambered Nautilus
Key, Francis S. Star Spangled Banner
Lang, Andrew. Scythe Song
Longfellow, H. W. The Arrow and the Song
——— Kavanaugh, Spring, Summer, Autumn, Winter
Lowell, James R. The Finding of the Lyre
Miller, Joaquin. Columbus.
Riley, James W. The Name of Old Glory
Saxe, Holm. A Song of Clover
Stevenson, R. L. A Visit from the Sea
Shakspere, William. "Farewell, a long farewell to all my greatness."
From *Henry VIII.*
——— Jog on, Jog on
From *The Winter's Tale.*

Suggestions to teachers

Reading

I *Appreciative reading* of selections in the outline.

There should be a first rapid reading to give the pupil a conception of the piece as a whole and to enable him to understand its purpose and plan. Following this reading should come a more careful study of the important parts, the purpose of which is to aid the pupil to appreciate the power and the beauty of the selection. Finally an effective oral rendering of those parts which appeal most strongly to the imagination and the sympathy of the pupil should be sought.

1 Fiction portrays life on the social side as no other form of literature does. Social conditions, standards, forces and conventions are revealed and the problems of the individual life worked out under countless social influences. We read fiction to enjoy the story, to picture the life portrayed, to know character and to trace character development.

The things which go to make up the life of any community whether in literature or in real life — descriptions of the environment, characters as types, appearance and dress, food, homes, amusements, occupations, education and language help to picture the life portrayed.

Character is revealed through description and analysis by the author; and by what the character says, does, feels, by feeling and attitude of other characters toward this character, by the attitude and feeling of the character toward other characters.

The changes which take place in character, and the causes which make these changes and the results of such changes should be studied.

2 The essay presents directly an author's thought. There should be a careful study of the essay to determine the main thought, the subordinate thoughts and to trace the relation of its parts. Pupils should be led to note orderly arrangement of topics, clear and forceful statement and fine choice of words.

3 Poetry reveals the emotional side of life. We read poetry to feel, to enjoy and to experience in imagination the thoughts and feelings of others. In teaching a narrative poem such as *Paul*

Revere's Ride the sequence of events should be made clear and the beauty and music of its language pointed out. The pictures in the descriptive passages should be made more vivid and the pupil's appreciation awakened to the beauties of the world about him. A lyric poem expresses the feeling or mood of the author. The pupil should be led to understand the poet's thought by repeated readings, by discussion and by memorizing.

Use of library books [*see* preceding years and "Composition" in this year's work].

Language

II *Composition.* Continue work in oral and written compositions [*see* Suggestions for teachers on the same subject, fifth and sixth years]. Descriptions from literature should be examined to determine the point of view and logical arrangement of material. The descriptions selected for this purpose should be simple, graphic and the arrangement clearly marked, as in the description of Jo from Miss Alcott's *Little Women.* Helpful outlines may be placed on the blackboard to assist the pupils.

Simple rules of procedure based upon what has been observed should be formulated.

III *Drill* on correct oral and written forms.

IV *Memorizing* selections from prose and poetry [*see* List of selections].

V Grammar

4 Adjective
- *a* Definition or test
- *b* Classes: descriptive, definitive (limiting)
- *c* Comparison of adjectives
  - Drill on comparison of irregular adjectives
  - Drill on proper use of comparative and superlative, as, *He is the larger of the two*

5 Adverb
- *a* Definition or test
- *b* Classes: time, place, degree and manner
- *c* Comparsion of adverbs
  - Drill on adverbs compared irregularly
  - Drill on use of comparative and superlative degrees
  - The adverbial clause

6 Preposition
- *a* Definition or test
- *b* The prepositional phrase
  - Uses of prepositional phrase
    - Adjective
    - Adverbial

7 Conjunction
- *a* Definition or test
- *b* Classes: coordinate and subordinate
  - Drill in the use of conjunctions in complex and compound sentences

8 Interjection
- *a* Definition or test

9 Verb
- *a* Definition
- *b* Classes: Finite and not finite, transitive and intransitive, regular and irregular
- *c* Voice: Active and passive
- *d* Mode: Indicative, subjunctive, imperative
  - Drill on uses of each mode
- *e* Tense: Present, present perfect, past, past perfect, future, future perfect

Spelling

VI Continue practice of spelling words met in all textbooks and supplementary reading.

Penmanship

VII Continue writing in the copy book. Drills to insure freedom and rapidity. Writing rapidly and legibly from dictation.

Suggested material for the use of teachers

Burt, M. E. Poems Every Child Should Know
Chisholm, L. Golden Staircase
Kittonu, F. G. The Dickens' Country
Mabie, H. W. Heroes Every Child Should Know
——— Heroines Every Child Should Know
Stevenson, B. E. & E. B. Days and Deeds
Yonge, C. M. Book of Golden Deeds

Wright, H. C. Stories in American Literature
Selections from various authors
Books on teachers' lists for previous years
Books on children's list

EIGHTH YEAR

Reading

I *Appreciative reading* of

I Prose

Warner, C. D. In the Wilderness
or
Hale, E. E. The Man without a Country
or
Sharp, D. L. A Watcher in the Woods

II Poetry

Scott, *Sir* Walter. Lady of the Lake
or all of the following:
Longfellow, H. W. Skeleton in Armor
Macaulay, T. B. Horatius
Lowell, J. R. Singing Leaves
—— Rhoecus
—— Under the Old Elm
"Washington"— stanza beginning with the line "Soldiers and statesmen, rarest union."
Browning, Robert. Incident of the French Camp
Lowell, J. R. Under the Willows
The prelude ending with the lines:

"And I must follow would I ever find,
The inward rhyme to all this wealth of life."

Byron, *Lord.* Apostrophe to the Ocean
Shelley, P. B. To a Skylark.

Language

II *Composition.* Oral and written descriptions, characterizations, narrations and expositions. Continue the work in description. Simple narrations examined, fundamental rules of procedure formulated and put into practice.

III *Memorizing* selections from prose and poetry.

STATE ROAD FROM CENTREFIELD TO CANANDAIGUA NEAR THE TWIN OAKS

Grammar

IV Use of the textbook in grammar as a book of reference. Analysis and synthesis of sentences. Parsing. Classification of phrases according to form. Complete the study of the classes, inflection and syntax of verbs. (Complete the conjugation of the verb and the simple uses of the infinitives and participles.) Systematic review of the subject.

Spelling

V Words in textbook and daily lessons. Synonyms. Use of dictionary.

Penmanship

VI Copy book and dictation exercises of not less than 100 words.

Children's reading

Library books and, at least, three books from the following list:

Alexander-Blake. Graded Poetry; Eighth Year
Austin, J. G. Standish of Standish
Barbour, R. H. Half Back
Bennett, John. Master Skylark
Bostock, F. C. Training of Wild Animals
Cooper, J. F. The Deerslayer
Dix, Beulah M. Soldier Rigdale
Hill, C. F. Fighting Fire
Kipling, Rudyard. Captains Courageous
La Motte, Fouque F. de. Undine and Other Tales
London, Jack. The Call of the Wild
Montgomery, L. M. Anne of Green Gables
MacQueen, *Dr.* In Wildest Africa
Mulock, D. M. John Halifax, Gentleman
Page, Thomas N. Santa Claus' Partner
Parkman, Francis. Oregon Trail
——— The Conspiracy of Pontiac
Roosevelt & Lodge. Hero Tales from American History
Scott, *Sir* **Walter.** The Talisman
Stevenson, R. L. Kidnapped
Shakspere, William. The Merchant of Venice
——— Julius Caesar
Twain, Mark. Prince and Pauper

Van Dyke, Henry. The Van Dyke Book
Wister, O. L. U. S. Grant
Wiggin, K. D. Rebecca of Sunnybrook Farm
Selections from various authors

Selections for study and memorizing

At least six of the following selections should be memorized:

Alfred, *Lord* Tennyson. Bugle Song
Howe, Julia W. Battle Hymn of the Republic
Kipling, Rudyard. Recessional
Lincoln, Abraham. Gettysburg Address
Mabie, H. W. On Books
From *Books and Culture,* page 65.
Sill, Rowland. Opportunity
Scott, *Sir* Walter. "Breathes There a Man with Soul so Dead"
From *The Lay of the Last Minstrel.*
Shakspere, William. "Hark, hark! the lark"
From *Cymbeline.*
Stevenson, R. L. At Morning
Taylor, Bayard. Song of the Camp
Van Dyke, Henry. The Angler's Reveille
Whitman, Walt. O Captain, My Captain

Suggestions to teachers

Reading

I *Reading.* Teachers should carefully read suggestions for reading in the seventh year. The work for this year should be carried on in the same way and with the same ideals. The pupils are older, have more experience, and greater reasoning power, hence the work can be carried on more in detail and more definitely. Generalizations can be more often called for and the applications of the principles of right living applied to life. The selection, *The Lady of the Lake,* furnishes narration, character studies, descriptions. It is a study in life and furnishes lessons in bravery, heroism and loyalty. The alternative selections in the alternative groups should be treated as follows: *Horatius, The Skeleton in Armor, The Singing Leaves, Rhoecus* are narratives. *Horatius, Washington, Incident of the French Camp* furnish character

studies. *Under the Willows, Rhoecus, Apostrophe to the Ocean,* and *To a Skylark* are filled with beautiful descriptions. The narrative and characters furnish beautiful lessons in right living. The prose selections should be read for the thought [*see* essay reading in Suggestions for teachers, seventh year.] Some attention should be paid to the structure and form of the various kinds of composition. Fine passages, beautiful images, a happy choice of words, of quoted phrases should be noted. The *literary* value of some of the simplest figures of speech should be brought out. The individual pupil should be encouraged to memorize choice selections which appeal to him.

Use of library books. Throughout the course in English the aim has been to inspire the pupils with a love for reading, to form the habit of reading, to teach the child a way of reading which he can and will practise after he leaves school, to cultivate his taste for good reading, and to secure for him the culture, emotional, esthetic and ethical values in good literature. In the reading and language work the aim has been not only to secure the foregoing values to the pupil but to train his imagination, memory, judgment and reason; to make him see more clearly, know more truly and feel more keenly; to give him the power to express what he sees, what he knows, what he feels, in good English.

Language

II *Composition.* Oral and written descriptions, characterizations, narrations and expositions should be continued [*see* Suggestions for teachers, sixth and seventh years]. Simple narrations familiar to the pupils should be examined as to events, relation of events, climax and resolution. The pupils' previous practice in reproducing and imitating narrations should be recalled and the method considered. Simple and fundamental rules of procedure should be formulated and put into practice by the pupils in narrating what has happened, in their observation, experience or imagination. The teacher will find some of his best material for this work in books recommended for the primary grades and in short narrative poems.

III *Memorizing* selections from prose and poetry [*see* Lists of selections].

Grammar

IV The conjugation of the verb should be completed. Teach the simple uses of the infinitive and participles. Review the

subject in a systematic manner giving special attention to the following:

1 The classes, inflection and syntax of the parts of speech
2 The syntax of words, phrases and clauses
3 The use of the textbook in grammar as a book of reference
4 The use of the rules of grammar as an aid in composition and in the interpretation of literature

The following may be well omitted from the elementary course in grammar:

1 Subdivisions of adverbial clauses
2 More difficult uses of the nominative and objective cases
3 More difficult uses of infinitives and participles
4 Analysis of complicated sentences
5 Parsing of words in unusual constructions

Spelling and writing

V and VI Daily *drill* in writing readily, rapidly and legibly from dictation selections of not less than 100 words. Drill the individual on the correct form when mistakes are made.

Suggested material for the use of the teachers

Burt, M. E. Prose Every Child Should Know
Howells, W. D. Literary Friends and Acquaintances
Hunnewell, J. F. Lands of Scott
Scene of *Lady of Lake*, p.53-75.
Lamb, Charles & Mary. Tales from Shakespeare
Mabie, H. W. Backgrounds of Literature
Scott, p.247-302.
——— Essays Every Child Should Know
Palgrave, F. T. Children's Treasury of English Song
Scollard, Clinton. Ballads of American Bravery
Selections from standard authors
Books on teachers' lists for previous years
Books on children's list

Effective teaching of English necessitates familiarity on the part of the teacher with some, at least, of the following books:

Atkinson. On the Right Use of Books
Baldwin. Book Lover

Bates. Talks on Writing English
——— Talks on the Study of Literature
Burroughs. Literary Values
Chubb. Teaching of English
Clark. How to Teach Reading
Corson. Aims of Literary Study
——— Voice and Spiritual Education
De Vinne. Correct Composition
Koopman. Mastery of Books
Legouvé. Reading as a Fine Art
Mabie. Books and Culture
Matthews. Aspects of Fiction
McMurry. Special Method in Primary Reading
Moulton. Four Years of Novel Reading
Repplier. Points of View
Scudder. Literature in School
Stedman. Nature and Elements of Poetry
Stephens & others. Counsel upon the Reading of Books
Warner. Relation of Literature to Life

ARITHMETIC

SEVENTH YEAR

General statement (seventh and eighth years)

Pupils who have completed the work of the six preceding grades should be able (1) to read reasonably large numbers at sight and to write numbers rapidly from dictation; (2) to add problems five figures wide and 20 numbers deep accurately at a fair rate of speed, i. e. in about two minutes; (3) to perform all fundamental processes in arithmetic rapidly and accurately; (4) to reason quickly and explain simple problems; (5) to handle ordinary fractions — common and decimal — without hesitation; and (6) to comprehend the fundamental principles of percentage and their applications.

Scheme of instruction

At the end of the seventh year any one of the following courses may be pursued: (1) to follow syllabus in algebra for the eighth grade; (2) to give a part of the time to arithmetic and a part to algebra; (3) to give the entire time to arithmetic.

If the study of arithmetic is to stop with the end of the seventh year it will be advisable to follow the syllabus for this year and to include such topics of the eighth year, i. e. stocks and bonds, insurance and taxes, as are deemed necessary to round out the subject.

If the arithmetic is to continue through the first half of the eighth year, leaving the other half free for algebra, it will be necessary to select those topics in arithmetic which are considered essential to the laying of a proper foundation for the study of advanced arithmetic. Under this condition it will be necessary to eliminate some topics in the eighth grade algebra.

If arithmetic is to be given in both the seventh and eighth years it will be possible to insure greater efficiency along industrial and commercial lines through reviewing, drilling on, emphasizing and enlarging upon those processes and applications which are considered the essentials. Without attempting to follow the syllabus it is possible to introduce some algebra in the solution of problems in mensuration and interest by means of the simple equation and the use of the unknown quantity x.

Method

Give plenty of oral drill in getting approximate results. This will tend to reduce error in computation. In business it is customary to apply some kind of a check to every result obtained. No good mechanic or business man would think of letting his results stand without some checking. Pupils should acquire the verification habit.

Mental arithmetic should occupy a large share of the time. Never allow pupils to use pencil if, in your judgment, the result should be obtained mentally.

In general, papers should be marked, as they are in business, largely by the accuracy of the result. If the result is wrong the paper is wrong. If the problem requires some interpretation a teacher may quite properly mark both for accuracy and for method.

Teachers should endeavor to get outside of the book and to have a large amount of drill material ready for each exercise. Use the mimeograph, or some other duplicating machine in the preparation of lessons. Teachers should, if possible, learn the business methods used by a mason, carpenter, paper hanger, painter, architect, banker etc. Original problems can be obtained from these men and pupils may be sent to them to verify their own methods. The problems should be real if they pretend to be so. They should relate, when possible, to the child's daily environment and to his other school work. They should be concerned with the school shop, drawing, and laboratory work. They should touch the questions of the supply of food, clothing and shelter as related to our farms, shops, transportation facilities, to typical industries and distributing centers.

Visits to the shops of craftsmen and trips to factories, banks and business houses will clear up in the minds of the pupils the technical points involved in such problems and will add new interest to the work. The daily activities of our people must be drawn upon to make the arithmetic interesting, informational and practical.

First half

1 Continue application of percentage

a Interest including commercial paper: (1) six percent method and short methods based upon it; (2) bank discount; (3) compound interest as applied to savings bank accounts. Use tables in compound interest. The operations of depositing money, drawing checks and figuring interest should become as real as the school can make them.

b Problems should be many but simple. Many should be oral. In many cases discuss the solution without requiring any actual computation. Drill on giving approximate results.

2 Ratio and simple proportion

Ratio has some use apart from being an introduction to proportion. Fertilizers, metals and liquids are mixed in given ratios. Proportion may be merely one method of writing simple equation. The relation of numbers expressed as ratios should be shown and simple problems involving proportion should be given. The use of the equation and the unknown quantity x should be used.

3 Powers and roots

a Memorize squares of numbers to 25. Oral drill in their use

b Square root and its applications in determining dimensions from areas of squares. Also its use as applied to the right triangle. Square root is necessary for the purposes of mensuration. However, its study has more value in training for reasoning than in its practical use since many who use it employ tables. Pupils can comprehend it by the use of the diagram or by the formula.

4 Many miscellaneous and review problems should be given. The use of the equation and the unknown quantity should be used, whenever convenient, in their solution.

Second half

1 Review the following tables until the pupils use them readily in their work. In the review of the tables of measures, some attention might be given to the origin of such measures as yard, foot, inch, quart, acre etc. In this way the pupil will find the work taking on new interest. (1) Measure of length, (*a*) linear; (2) measure of area, (*a*) square; (3) measure of contents and capacity, (*a*) cubic, (*b*) dry and (*c*) liquid; (4) measure of weight (*a*) avoirdupois; (5) measure of quantity, (*a*) paper; (6) other tables, (*a*) circular, (*b*) time; (7) money, (*a*) United States, (*b*) English.

2 Review of, and drill in mensuration, using practical problems involving surfaces of (1) parallelogram, (2) rectangle, (3) triangle, (4) circle, (5) trapezoid and contents of such solids as (*a*) cube, (*b*) sphere, (*c*) cylinder, (*d*) pyramid, (*e*) cone.

Strict geometrical demonstrations can not be given, but enough objective work can be offered to make the matter clear.

3 Begin by using problems all of which require the use of the same table and then drill on mixed problems, making them practical and real as far as possible. Teachers are advised that it is of little value for the pupil to memorize tables that are not to be used in practical life, or to commit to memory numerous equivalents that are readily found in the textbook when needed.

EIGHTH YEAR

First half

1 Rapid calculation work

In this drill include daily speed exercises. Set a reasonable time limit and hold the class up to it. This will fit the pupils for pressure work which is bound to come in business life. It may include practice in the following.

a Addition until pupils can add at the rate of from 75 to 100 figures per minute. Use group method, as illustrated by the following example:

3		3	
2	9	2	10
4		1	
5		4	
5	10	3	
2		6	9
5	10	7	
3		3	10
6		9	
4	10	2	
5		5	10
1	10	3	
4			
49		48	

At first combine only up to 10. Larger groups may be practised later.

Horizontal addition should be practised. Example: 10 pieces of cloth — 38, 82, 91, 46, 53, 67, 84, 75, 65, 69 = 670, at 50c = $335.

b Multiplication, when multiplier is 11, 22, 33, 44, etc. Example: $892 \times 11 = 2$ as unit figure; $(9 + 2 = 11)$ 1 as tens; $(8 + 9 + 1$ carried $= 8)$ 8 as hundreds; $(8 + 1$ carried $= 9)$ 9 as thousands; final result 9812. Example: $596 \times 22 = 13112$. Same as preceding process except that each addition is multiplied by two before carried figure is added.

c Cost of articles sold by ton of 2000 pounds. Example: 8942 pounds at \$25.50 per ton = \$8.942 × (½ of \$25.50) = \$114.01.

d Interest practice, short method given above. Only a few practical short methods should be given. This work will help to sustain interest and develop rapid thinking power of concentrated effort.

2 Business forms

Some drill should be given in making such forms as the following: (*a*) invoices or bills; (*b*) statements; (*c*) account sales — in commission.

It is not expected that the pupil will be taught an elaborate form of bookkeeping; but every one should know how to keep simple accounts. These can easily relate to the income and expenditures of daily life in the home and on the farm.

Second half

Stocks and bonds

Pupils should know what a corporation is, its chief officials, its organization, its stock or bonds and its methods of declaring and paying dividends.

a Cost of a given number of shares at a given market value

b Number of shares or bonds that can be bought for a fixed sum

c Rate of income on an investment in stocks or bonds

Insurance

Insurance, fire, life and accident, is an important factor in our life and yet the technicalities involved in various types of policies, especially those of life insurance, are so difficult of comprehension that the school can hope to do no more than to give a general conception of the work of the various kinds of companies and to confine the problems to the simplest practical cases that the people need to know about.

Taxation

The subject of taxation has a close relationship to civics, and when combined with it, has a real interest to the pupils. It should be treated from the standpoint of local conditions.

Algebraic notation

Algebra has some place in this grade, especially for the boys in the industrial course. Simple formulas are now quite common in the various mechanical trade papers. Many of these boys will have use for various mechanics' pocket tables which involve the elementary operations and linear equations. Emphasis should be laid upon the study of formulas so that the simple algebraic expressions of the trade journals and mechanics' handbooks may be read easily.

Relation to manual arts, household arts, and agriculture

Those schools that offer instruction in household and manual arts and agriculture have an excellent opportunity to relate this instruction to the bookwork. A series of problems vitally relating to cooking, sewing, woodworking, mechanical drawing, and farming may be worked out. Such problems will not only touch the school life of the pupils but also the home life.

The suggestive outlines showing this relationship are not limited to a single year; neither are they necessarily entirely taught by the teacher of arithmetic. They furnish a splendid field for cooperative effort between the special teachers and the room teachers. Each might well know what the other is doing, and attempt to fix in the pupil's mind the applications of arithmetic to school and home life.

Portions of these outlines are common to the needs of both sexes. Certainly both should have a knowledge of home accounting. However, the division of hand activities into home-making courses for girls and manual training and agricultural courses for boys, means that the most effective correlation will be brought about by a differentiation of the arithmetic according to sex and occupational interests.

Outline relating to household arts

1 Simple domestic bookkeeping, including daily, monthly and yearly supplies for the kitchen
2 Calculation of the prices of foods bought in large or in small quantities as related to the cost of meals for the home
3 Study of the simple measurements as needed in the household, including measurements of materials used in food and clothing

4 Cost of furnishing a kitchen, laundry, dining room, living room and bedroom, with the expense of renovating and maintaining them
5 Relative cost of different systems of heating and lighting; reading a gas meter
6 General questions of maintenance of the home including rent, water, taxes, insurance and interest on the mortgage

Outline relating to manual arts

1 Adding the detailed dimensions on the school sketches and drawings for the "over-all" dimensions
2 Figuring the cost of the materials used in the article made, including the lumber, screws, stain and varnish
3 Working out a more elaborate cost slip of the object made, i. e. reckoning the compensation for labor, the cost of power, the interest on the money invested in the school shop, etc., as well as the bill for materials
4 Making out a bill for the general lumber supply of the school, using the actual market prices
5 Laying out of simple geometrical forms in wood, i. e. hexagonal taboret — calling attention to the value in degrees of the angles
6 Proportion as applied to the speed of the wood-turning lathe, taking the speed of the motor as a basis

Outline relating to agriculture

1 Actual measurements by the class of small plots of land, calculating their area. Measurements of walls, fences, and calculating their cost
2 Measurements of and calculating the capacity of tanks, cisterns, watering troughs, silos, storage bins, and barrels. Data may be obtained from the home equipment.
3 Special computations suited to farm practice such as income from dairy cows, feed rations, farm labor
4 Business forms such as inventories, time books, stock accounts, cash accounts, notes, receipts
5 Application of percentage in study of soil composition, ratio and proportion in relation to animal feeds, practice in estimating amount of material for such spraying, i. e. emulsions, poisons and fungicides
6 List of materials showing cost of such farm buildings as house, barn, poultry house, corn crib

ALGEBRA

EIGHTH YEAR

The work of this syllabus for the eighth grade is designed to provide a foundation for algebraic processes and a review of the principles of arithmetic, making the work so far as possible the generalization of arithmetical principles. It also aims to make the equation method of solving problems fundamental by a constant review of arithmetical problems that the student may become able to solve problems algebraically. *At least one half of the time should be given to problem work.*

First half

Use of letters to represent values.

The solution of problems in which letters are used to represent quantities involved.

ILLUSTRATION

Find the cost of a yards of cloth at c dollars a yard. A man paid x dollars for d bushels of oats, what was the price a bushel?

The solution of problems that require the evaluation of literal expressions from given values of the letters involved.

ILLUSTRATION

Given $\frac{2a+5bc-ac}{abc}$ to find the numerical value when $a=2$; $b=3$; $c=1$.

Translation of algebraic expressions into words and conversely.

The meaning, value and use of the equation. Numerical, literal.

Definition of algebraic terms: coefficient, exponent, literal factor, numerical factor, prime factor, monomial, polynomial, binomial, trinomial, terms of an equation, degree of a term.

Signs of aggregation and uses, especially in connection with coefficients and statement of problems.

ILLUSTRATION

$4(x+10)-2(3x+6)=(x+2)$

Positive and negative quantities.

Addition and subtraction: (1) like signs, (2) unlike signs.

(In both cases teach subtraction by the addition method and avoid errors that arise from changing of signs of the subtrahend and then adding. The question should always be, what quantity added to the subtrahend will give the minuend?)

Solution of simple equations of one unknown quantity.

Multiplication

1 Product of letters
2 Product of coefficients
3 Exponents, law of
4 Signs, law of
5 Multiplication of polynomials
6 Type products and factors: $x(x+y)$; $(x+y)^2$; $(x+y)(x-y)$; $(x+a)(x+b)$ with sign variations. Treat these as mental exercises.

Division: General principles have been learned in multiplication. All processes are the reverse of those in multiplication.

Review factor type products and their factors.

The solution of problems should be kept up throughout the entire work by the use of dictated problems involving the measurement of plane figures and simple arithmetical problems solved by the use of one unknown quantity.

Second half

Fractions

1 Review of the principles of fractions in arithmetic
2 Substitution of the algebraic symbol
3 Law of signs applied to fractions and examples to illustrate
4 Reduction of fractions
   a Rejecting common factor of numerator and denominator
   b Changing fraction to equivalent fractions having a common denominator

c Changing improper fractions to whole or mixed quantities

(In all this work only quantities which can be readily factored by the principles already learned, should be used.)

5 Addition and subtraction of simple fractions

6 Multiplication and division of simple fractions

(Select only those quantities for terms of fractions that can be readily factored by the principles of factoring learned in multiplication and division.)

7 Fractions applied to equations. Solution of problems

Clearing of fractions

The introduction of equations involving two unknown quantities and their application to the solution of problems

AMERICAN HISTORY

SEVENTH YEAR

To satisfy a demand for completeness, even the best textbooks confuse the young student with a multitude of new ideas and abstract statements. Of necessity the history teacher must make a wise selection of material, search in many books for the best presentation of each selected topic and must often invent methods of presentation. Forming images is an important process in learning history. Images are formed from the text. The teacher must test these images, correcting them when necessary with word pictures and illustrations. Strange ideas must be translated into the language of the child's experience and environment. The abstract must be illustrated by the concrete; the impersonal be made personal.

In the first few weeks ample time should be taken to show pupils how to study the assigned text. A portion of the class time may occasionally be used by the teacher in reading choice historical selections. Pupils also should be encouraged to find interesting selections and to read them in the class.

Outline maps should be freely used but not till the pupil can reproduce from memory a fair outline of the geographic division under study.

A general review of the seventh grade work may well be postponed until the beginning of the eighth year.

The work outlined for the seventh and eighth grades may be done in 200 lessons if too much time is not devoted to the details of military history. To aid teachers in placing the right emphasis a time allotment for each period is given; but it is to be distinctly understood that this time allotment is suggestive only and by no means prescriptive. By carrying the work in history through the seventh and eighth grades two advantages are secured. The history may be better correlated with geography and literature and pupils will have more time to become acquainted with a wealth of collateral reading.

Long lists of collateral reading are given for the seventh and eighth grades, but it is not expected that any one pupil will read a large per cent of these books, or that any school will place them all in its library. A long list offers freedom of choice and helps

schools to use such books as they have or can get at the nearest public library.

Books that are starred are intended for the use of teachers, though many of them may be read with profit by some of the pupils.

Suggestive minimum time allotments for the seventh and eighth grades

		No. of lessons
1	American Indians	4
2	Discovery and exploration	7
3	Settlements: Virginia and Maryland	6
	Settlements: New England	6
	Settlements: New York	8
	Settlements: Pennsylvania	2
	Settlements: Georgia	2
4	The French and English struggle for North America	10
5	Development of the colonies	6
6	The Revolution	10
7	The Confederation	4
8	The Constitution	10
9	Important dates	1
	Total for seventh grade	76
10	Review of 7, 8, 9	8
11	Organizing the government	6
12	Growth under the Constitution	18
13	Civil War	10
14	One nation of many states	10
15	Leaders in literature, science and philanthropy	4
16	Actual government	18
17	General review	30
	Total for eighth grade	104
	Total for two years	180

1 American Indians

The Algonquins, the Iroquois, and the Maskoki; territory occupied by each; products, mode of life, implements and weapons; mode of warfare, religion, assistance given by the Indians to white settlers; present Indian reservations.

Collateral reading

History

Starr. American Indians
Beauchamp. * History of the New York Iroquois
Colden. * History of the Five Nations
Eggleston. Brant and Red Jacket
Drake. Indian History for Young Folks
Grinnell. * Story of the Indians
Eastman. Indian Boyhood
Halsey. * The Old New York Frontier
Reid. * In the Mohawk Valley
Williams. Stories from Early New York History, p. 90, 125

Biography

Buell. Sir William Johnson
Gordon. Pontiac, the Chief of the Ottawas
———— Red Jacket, the Last of the Senecas
Stone. * Joseph Brant

2 Discovery and exploration

15th century ideas of the size and shape of the earth; invention of the mariner's compass; commercial activity of the time; trade between Europe and Asia; objects of the explorers; life and voyages of Columbus; brief accounts of John Cabot, Amerigo Vespucci, Ponce de Leon, Balboa, Cortez, Pizarro, Cartier, Drake, De Soto, Hudson and Magellan, with the discoveries made by each.

Map work. An outline map of the western hemisphere, showing, in different colors, the explorations of Columbus, John Cabot, Verrazano, Cartier and Hudson.

Collateral reading

History

Irving. * Columbus
Fiske. * Discovery of America, 2: 1–212
———— * Old South Leaflets. Nos. 17, 29, 32, 33, 34, 36, 37, 115

Biography

Towle. Pizarro
———— Sir Francis Drake
———— Magellan
Higginson. * Cabot and Verrazano
———— * Columbus and his Companions
King. De Soto and his Men
Eggleston. Montezuma
Lawler. Columbus and Magellan
Seelye. Story of Columbus
Brooks. True Story of Christopher Columbus
Abbott. Cortez

Poetry

Miller. Columbus

Fiction

Stables. Westward with Columbus
Henty. By Right of Conquest
Cooper. * Mercedes of Castile
Wallace. * The Fair God
Lee. The Inca's Ransom
Thorpe. The Spoils of Empire
Barnes. Drake and his Yeomen

3 Settlements

Virginia: soil and climate; charter of the London Company; settlement of Jamestown; aims of the colonists; idleness, sickness, lack of food; John Smith; Pocahontas; the second charter; reforms of Governor Dale; the first colonial assembly; tobacco culture, negro slavery, indentured servants; Governor Berkeley; tyranny of Charles 2; Indian attacks, Bacon's rebellion; products, commerce, education, mode of life.

Maryland: Lord Baltimore and the persecuted Catholics; liberal provisions of the Maryland charter; Claybourne troubles, Catholics persecuted; the Church of England established; industries; Mason and Dixon's line.

New England: Puritans and Pilgrims; why the Pilgrims left Holland; the Mayflower compact; settlement at Plymouth, sufferings of the settlers, relations with the Indians; why the Puritans left England; settlement at Salem; Massachusetts Bay colony, its charter, settlements at Boston and in its vicinity; the town meeting, the voters; Roger Williams, his banishment, settlement of Rhode Island; Thomas Hooker, settlements at Hartford and in its vicinity, kind of government established; New Haven and Saybrook settlements; the Pequot War; Connecticut colonies united; persecution of the Quakers; witchcraft delusion; New England confederacy; King Philip's War; the Andros government and its overthrow; education; occupations; commerce.

Map work. On an outline map, locate all the New England settlements made before 1750 and mentioned in the textbook.

New York: explorations by Hudson, Block, Champlain; trading posts; Dutch West India Company; Dutch settlements; territory claimed by the Dutch; rival claims to New Netherlands; Dutch governors; patroon grants; troubles with the Indians, the Swedes, the English; demands of the people for a voice in the government; Peter Stuyvesant; overthrow of Dutch rule; change of name under the English; Dongan's charter; Leisler's Rebellion; Zenger trial; Sons of Liberty; government; industries; social customs; education.

Map work. 1 Map of New York, indicating in different colors, territory occupied by the Iroquois and the Algonquins, and giving the location of the capital of the Iroquois Confederacy, the approximate location of each of the five important tribes.

2 An outline map of New York giving in different colors, (1) the location of the principal Dutch settlements, (2) the principal settlements and forts of the English made prior to the Revolution.

3 Relief map of New York State, showing the important waterways and mountain ranges.

Pennsylvania: the Quakers; William Penn, his purpose, his grant; Philadelphia settled, its rapid growth; the Great Charter, its principal provisions; treaty with the Indians; occupations.

The Carolinas: the first settlers; the Grand Model and its failure; indigo and rice, tar and turpentine; division into North Carolina and South Carolina.

Georgia: how debtors were treated in the 18th century; Oglethorpe, his aims; his plan of government and its failure; hostility of the Spaniards; products.

Map work. An outline map of North America, showing in different colors important permanent settlements made by Spain, England, France and Holland.

Collateral reading

History

Fiske. * Old Virginia and her Neighbors
———— * Dutch and Quaker Colonies in America
———— * The Beginnings of New England
———— * Old South Leaflets. Nos. 7, 54, 154, 170, 171
Earle. * Home Life in Colonial Days
———— * The Sabbath in Puritan New England
———— * Social Life in Old New England
———— * Manners and Customs in Old New England
Eggleston. * Beginners of a Nation
Prentice. * History of New York
Anderson & Flick. History of New York
Cooke. * Stories of the Old Dominion
Smith. * Settlement of Virginia
Brooks. Stories of the Old Bay State
Hutchinson. * King Philip's War
Bradford. * The Plymouth Plantation
Todd. History of the City of New York
Redway. Making the Empire State
Williams. Stories from Early New York History

Biography

Higginson. Captain John Smith
Abbott. Miles Standish
———— **Peter Stuyvesant**

Hodge. William Penn
Gordy. Story of American Explorers
Jenks. Boys Book of Explorers
Johnson. Exploits of Miles Standish
Jenks. * Captain John Smith

Poetry

Thackeray. Pocahontas
Longfellow. Courtship of Miles Standish

Fiction

Austin. Standish of Standish
———— Betty Alden
Hall. The Golden Arrow
Ellis. * Uncrowning a King
Watson. The Great Peacemaker
Butterworth. The Wampum Belt
Frederic. In the Valley
Dix. Soldier Rigdale
Hall. Boys of Scrooby
Seawell. Virginia Cavalier
Goodwin. White Aprons

4 **The French and English struggle for North America**

a French claims to territory in North America; English claims.

b French explorations and settlements; Iroquois hostility, its origin, its strength; the Iroquois and Sir William Johnson; rivalry for trade — through Montreal, or through Albany.

c Louisburg and its importance; the Champlain valley and its importance; French fortifications; English fortifications; the Albany Congress.

d Braddock's defeat and the Battle of Lake George; Montcalm's successes — Oswego, Fort William Henry, repulse of the English at Ticonderoga.

e Close of the struggle: Louisburg, Ticonderoga, Crown Point, Niagara, Quebec.

f The treaty of 1763; the French losses; Pontiac's War; the great treaty at Niagara.

Map work. 1 A map showing the principal French and English military stations.

2 A map showing the division of North American territory according to the treaty of 1763.

Collateral reading

History

Parkman. * Montcalm and Wolfe
———— The Struggle for a Continent
———— * Half a Century of Conflict
———— * La Salle
Higginson. * The French in Canada
Parker. * Old Quebec
Windsor. * Cartier to Frontenac
Parkman. * Conspiracy of Pontiac

Halsey. * The Old New York Frontier
Brandow. Story of Old Saratoga
Williams. Stories from Early New York History, p. 209–22

Biography

Dix. * Champlain, Founder of New France
Abbott. Chevalier La Salle
Catherwood. Heroes of the Middle West
McMurray. Pioneer Stories of the Mississippi Valley
Brady. Colonial Fights and Fighters
Buell. Sir William Johnson

Fiction

Stevenson. A Soldier of Virginia
Craddock. A Specter of Power
Parker. * Seats of the Mighty
Cooper. The Last of the Mohicans
Monroe. At War with Pontiac
Gordon. * Pontiac
Frederic. In the Valley
Chambers. Cardigan
Altsheler. A Soldier of Manhattan
Henty. With Wolfe in Canada
Stoddard. On the Old Frontier

5 Development of the colonies

Travel and communication; manufactures; commerce; restrictions on manufactures and commerce; colonial governments; popular amusements; life in the New England town and on the southern plantation; effects on the colonists of the French and Indian Wars.

Collateral reading

History

Earle. * Home Life in Colonial Days
——— * Stage Coach and Tavern Days
Scudder. * Men and Manners in America
Cooke. * Stories of the Old Dominion
Hart & Hill. Camps and Firesides of the Revolution

Biography

Hubert. Inventors
Towle. Heroes and Martyrs of Invention
Mowry. American Inventions and Inventors
Ford. The Many-Sided Franklin

5 The Revolution

Causes of the Revolution; the First Continental Congress; Lexington and Concord; the Second Continental Congress; Bunker Hill; Declaration of Independence; Washington drives the British out of Boston; battle of Long Island; Washington's retreat; Lafayette and Steuben; capture of Philadelphia by Howe; Burgoyne's campaign; Valley Forge; Arnold's treason; Greene's campaigns in the South; Yorktown; treaty of peace; weakness of the government; biographies of Franklin, Washington and Robert Morris.

Map work. Maps showing the location of principal military events in New England, New York, New Jersey and Pennsylvania; in the Southern States.

Collateral reading

History

Fiske. * The American Revolution
Lossing. Pictorial Fieldbook of the Revolution
Brooks. Century Book of the American Revolution
Roosevelt & Lodge. Hero Tales from American History
Drake. Burgoyne's Invasion
Williams. Stories from Early New York History
Tomlinson. A Short History of the Revolution
Hart & Hill. Camps and Campfires of the Revolution
Elson. * History of the United States

Biography

Mitchell. The Youth of Washington
Abbott. Paul Jones
Beebe. Four Naval Heroes
Brooks. True Story of Washington
Scudder. Life of Washington
Hapgood. * George Washington
Todd. * The Real Benedict Arnold
Tuckerman. * Philip Schuyler
Greene. * General Greene
Abbott. Paul Jones
Hapgood. * Paul Jones
Brady. Paul Jones

Poetry

Longfellow. Paul Revere's Ride
Emerson. The Concord Hymn
Pierpont. Warren's Address
Bryant. Song of Marion's Men
Stevenson. Poems of American History

Fiction

Altsheler. The Sun of Saratoga
Brooks. In Blue and White
Butterworth. The Knight of Liberty
Chambers. Cardigan
Cooper. The Spy
———— The Pilot
———— * Lionel Lincoln
Frederic. In the Valley
Ford. Janice Meredith
Hoppus. A Great Treason
Jewett. The Tory Lover
Mitchell. * Hugh Wynne
———— * The Red City
Lossing. Two Spies
Stevenson. A Soldier of Virginia
———— The Heritage
Simms. The Forayers
Thompson. The Green Mountain Boys
Churchill. Richard Carvel
Ross. The Scarlet Coat

7 The Confederation

The 13 original states; points of similarity and of difference; circumstances that forced united action (1775–83); disputes between different states in regard to land claims, boundaries and regulation of trade; difficulties experienced by Congress in enforcing treaties and in collecting money from the states; different kinds of money in circulation; the apparent importance and the real weakness of Congress; the Ordinance of 1787.

This last period and the following require special teaching and exposition. Pupils who belong to debating clubs or to other self-governing organizations will more readily understand constitution-making

Collateral reading

Fiske. * Critical Period of American History
McMaster. * History of the People of the United States, v. 1
Sparks. * Expansion of the American People, ch. 4, 5
Hart. * Formation of the Union, ch. 5
Elson. * History of the United States, ch. 15

8 The Constitution

The Constitution the highest law of the land; the advantages of written laws; the *three* general departments, divisions or functions of government as illustrated in village, city or county government; the *three* departments of government provided in the Constitution; the principal duties assigned to each department; the principal powers denied to the United States; the principal powers denied to the state governments; why changes in constitutions are sometimes necessary; how the Constitution of the United States may be amended; why the first 10 amendments were added.

Collateral reading

Hart. Source Book, p. 175–78
—— Formation of the Union
Gordy & Twitchell. * Pathfinder, p. 121–26
Standard textbooks of history and civil government

9 Important dates

A few dates thoroughly learned are useful in fixing the succession of events. These dates should be associated with the events as they are studied and are frequently reviewed as the class progresses.

a Discovery and exploration 1492, 1497, 1534, 1588.
b Settlement 1607, 1608, 1609, 1614, 1620, 1664, 1689, 1754, 1763.
c Revolution 1765, 1774, 1775, 1776, 1777, 1781.

EIGHTH YEAR

10 Review of 7, 8 and 9

11 Organizing the government

The inauguration of Washington; choosing a Cabinet; duties of Cabinet officers; debts and revenues; formation of political parties; the United States Bank; the United States Mint; retirement of Washington, and his advice in regard to education, a national militia and European friendships; troubles with France; the liberty of the press and the unpopularity of John Adams; biographies of Hamilton and Jefferson.

Collateral reading

History

Hart. Source Book, p. 181–86
Hart & Chapman. How Our Grandfathers Lived
Alton. Among the Law Makers

Biography

Conant. * Alexander Hamilton
Merwin. * Thomas Jefferson
Sparks. Men Who Made the Nation
Burton. Four American Patriots

Fiction

Johnston. Lewis Rand
Atherton. * The Conqueror
Churchill. The Crossing

12 Growth under the Constitution

a The purchase of Louisiana; the Lewis and Clark expedition.

Map work. Map of the United States in 1803, showing the original states, the states admitted between 1789 and 1803 and the Louisiana Purchase.

b War of 1812: causes; winning Lake Erie; defending New York; the burning of Washington; the defense of New Orleans; effects of the war on the settlement of the West and in increasing manufactures in the East.

Map work. Map of the United States and Canada showing the principal battlefields of the War of 1812.

c The purchase of Florida.

Map work. Map of the United States east of the Mississippi showing outline of the Florida Purchase.

d Opposing forces: increase of cotton-growing and resulting demand for more slave territory; increase of manufactures and resulting protective tariff; balancing of free and slave states; Maine and Missouri; the Missouri Compromise.

Map work. Map showing in different colors the free and the slave states admitted from 1789–1821 with the date of the admission of each.

e Improvements in transportation and travel; the steamboat; the Cumberland road; the Erie canal; railways.

Map work. Map showing two main lines of travel from the Atlantic to the Mississippi (1800–50).

f Jackson, Clay and Webster: the "spoils" system; nullification; the Oregon country.

g The telegraph.

h War with Mexico: causes and results; the discovery of gold in California; how gold in California spoiled plans for the extension of slave territory; the compromise of 1850.

Map work. Map of the United States showing in different colors the following: (1) the original states; (2) the Northwest Territory; (3) the Louisiana Purchase; (4) the Florida Purchase; (5) Texas; (6) the Oregon country; (7) the Mexican cessions.

Collateral reading

History

Roosevelt. * Naval War of 1812
Sparks. * Expansion of the American People
Strong. Expansion
Roosevelt. * Winning the West
Hart & Chapman. How Our Grandfathers Lived
Roosevelt & Lodge. Hero Tales From American History
Hart. Source Book, p. 268–81
Drake. * Making the Great West
———— * Making the Ohio Valley States
Dana. * Two Years before the Mast

Biography

Brown. Life of Jackson
Sparks. Men Who Made the Nation
Seawell. Twelve Naval Captains

Poetry

Key. The Star Spangled Banner
Holmes. Old Ironsides

Fiction

Churchill. The Crossing
Pidgen. * Blennerhasset
Hale. * Philip Nolan's Friends
Eggleston. Hoosier Schoolmaster
Barnes. Hero of Lake Erie
———— Loyal Traitor
Otis. With Perry on Lake Erie

13 The Civil War

a Causes of the ill feeling between the North and the South: the Dred Scott Decision; enforcing the Fugitive Slave Law of 1850; the war in Kansas; *Uncle Tom's Cabin;* John Brown's raid; election of Lincoln.

b The war: secession of states; Fort Sumter; arming of the North and of the South; the first battle of Bull Run and its lessons; the blockade; attempts to take Richmond; slicing off the territory of the Confederacy; Lee's invasions of northern territory; the final campaign.

Map work. Show, by different colors, on an outline map of the United States, the free states, the slave states that remained in the Union, the states that seceded.

c Great leaders: Lincoln, Grant, Lee, Sherman, Sheridan, Stonewall Jackson.

d Results: Maximilian and the Alabama Claims; the Emancipation Proclamation; the 13th, 14th and 15th amendments; ignorance and freedom; dangers in the Southern States; how Lincoln and Johnson wished to deal with the South; how Congress dealt with the South; carpetbaggers, scalawags and Ku Klux; depriving the negro of his vote.

Collateral reading

History

Hart. Source Book, p. 303–39
Hart & Stevens. Romance of the Civil War
Elson. Side Lights on American History
Dodge. Birds-eye View of the Civil War
McCarthy. Soldier Life in the Army of Northern Virginia
Eggleston. Southern Soldier Stories
Wilson. * Division and Reunion
Lincoln. First Inaugural

Biography

Brown. * Life of Douglas
Hapgood. * Lincoln
Nicolay. The Boys' Life of Abraham Lincoln
Tarbell. A Life of Lincoln
Chittenden. Recollections of President Lincoln
Hill. * Lincoln as a Lawyer
Grant. Memoirs
Wister. Life of Grant
Barnes. David Farragut
Lee. * General Lee

Fiction

Stowe. Uncle Tom's Cabin
Churchill. The Crisis
Tourgee. A Fool's Errand
———— Bricks without Straw
Page. Red Rock
Glasgow. The Battle Ground
Benson. Who Goes There?

14 One nation of many states

a The purchase of Alaska; products.

b Steps of progress: the Atlantic cable; the first transcontinental railway; growth of the West; the Homestead Act; cattle and

sheep ranches; irrigation; manufacturing in the South; education of the negro; growth of cities; the telephone; electric traction.

c The assassination of Garfield and civil service reform.

d War with Spain and island possessions: Dewey at Manila; Sampson and Schley at Santiago; Roosevelt and the Rough Riders; the treaty of peace; territorial additions.

e The Panama canal; the Hague Tribunal.

Map work. Map of island possessions showing relative size.

Collateral reading

Andrews. * The Last Quarter of a Century
Draper. The Rescue of Cuba
Brooks. The War with Spain
Elson. Side Lights in American History
Strong. Expansion

15 **Leaders in literature, science, philanthropy**

a Irving, Cooper, Hawthorne, Longfellow, Lowell, Whittier, Bryant, Greeley.

b Morse, Fulton, McCormick, Howe, Ericsson, Field, Eads, Bell, Edison.

c Peter Cooper, Riis, Carnegie.

16 **Important dates**

1789, 1803, 1812, 1819, 1820, 1825, 1846, 1850, 1861, 1865, 1898.

17 **Actual government**

a New York State.

(1) The Legislature: the two houses; how a law is made; the taxing power.

(2) The governor: commands militia; summons and advises the Legislature; sees that laws are enforced; directs business of the State; signs or vetoes bills.

(3) Justices: try offenders against law; settle disputes; state the meaning of laws.

b City governments.

Local government of each village or city should be studied in its most obvious details. The police and fire departments, the care of streets, lights, water, sewers, schools give object lessons in civics. Pupils may easily be led to discover who are the executive, who the legislative and who the judicial officers.

c County government: supervisors; sheriff; county court.

d National government.

(1) Legislative: national taxation, kinds of taxes and methods of collection.

(2) Executive: finances; army and navy; foreign and home business; post offices; agriculture.

Illustrate by commonly known governmental activities which vary with localities.

(3) Judicial: determining the meaning and value of laws.

Illustrate by Dred Scott Decision and the decision in regard to income tax (1895).

Collateral reading

Brooks. Century Book for Young Americans
Alton. Among the Law Makers
Hart. * Actual Government
Brice. * American Commonwealth

Textbooks on civics of such character as

Brooks. How the Country is Governed
Dole. The American Citizen
Macy. Our Government
Morgan. Patriotic Citizenship
Hoxie. Civics for New York State
Fiske. * Civil Government in the United States
Boynton. School Civics
Lansing & Jones. Government, its Origin, Growth, and Form in the United States
Hall & Chester. Panama and the Canal

18 General reviews

From 30 to 40 per cent of the lessons of the eighth grade may well be spent in a general review, preferably by topics such as territorial accessions, wars, travel and transportation, great inventions, the slavery question, the civil service, tariff laws, business panics, postal facilities and methods of communication.

DRAWING AND ELEMENTARY HANDWORK

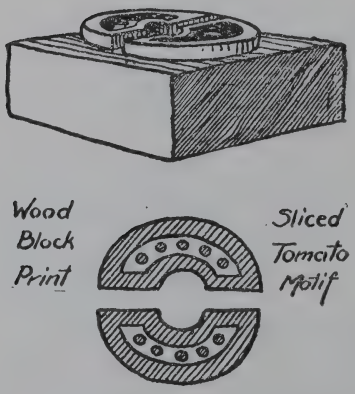
SEVENTH YEAR

September and October — Nature drawing and Color

Drawing. Fall nature, such as seed pods, berries, fruits, vegetables, and sprays of late flowers. Render in simple values, not more than three, or in accented line, also in decorative color. Use pencil and water color.

Color. Review study of hue, value and chroma. Make nature drawings in simple decorative color schemes as grayed natural color used against a background and foreground of two values of one neighboring color.

Making. Bookbinding, stenciling, leather work, sewing, clay. Problems to be of practical use or for holiday gifts, as simple binding of pamphlet, stenciled cushion, leather bags, purses etc. Boves, footstools, book racks; metal work in connection with decoration of woodwork. Constructive work differentiated for boys and girls. If the work is divided between two supervisors there must be cooperation. Good designs and good construction go hand in hand.



Correlation. Language paper on practical use of stenciling in interior decoration; study of geographical conditions in relation to production of lumber, cotton, silk etc.

Study. Effective rendering with simple pencil technic. Careful arrangement and character of specimen. Composition of drawing as a whole. Various color qualities and conditions. Begin to study effects of good and bad color as commonly used in clothing etc., handwork related to typical industries of the locality. Study application of design to handwork.

Picture study. *The Water Gate,* Van Marcke; *A Morning Landscape,* Corot; *Capitol at Washington.*

November, December and January — Constructive drawing and Design

Drawing. Perspective drawings of constructive problems, followed by free-hand working drawings and later drawn with instruments. Memory drawings, map drawing, as location of school building, public square, public park, etc.; drawing of symbols for decorative purposes.

Design. For work in making. Seek for more beauty and grace in line and mass. Let the application mean ornament.

Making. Objects in various materials, as leather, cloth, cardboard etc. for Christmas and home or school use. Continue manual training work for boys, making book racks, battery box, switchboard etc. Objects related to their activities.

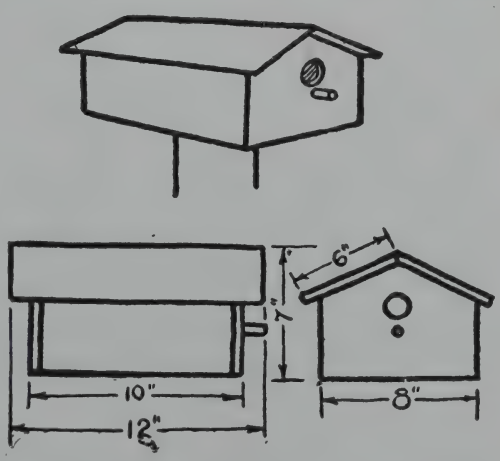
Correlation. Use of tools is readily correlated with history. Map drawing is local geography, while the manual training may be easily connected with simple physics. Printing press work; school programs, business cards, invitations, issuing a school paper.

Study. More accurate technic in both drawing and making. Study good examples whenever possible. Review the principles of design and enforce them. Study historic examples. Use and construction of tools. Nearly every phase of handwork properly related to good design, to pupils' interest and age, to local industries, has its value.

Picture study. *Fighting Tèmèraire,* Turner; *Golden Stairs,* Burne-Jones; *Last Supper,* Leonardo da Vinci.

February and March — Pictorial drawing and Composition

Drawing. Still life objects as books, boxes, vase forms, etc. Render in pencil outline and decorative wash and color. Memory drawing of various objects in daily use. Draw vertical and horizontal cutting of spaces by simple lines. Render in value, grayed color.



Making. Continuation of manual training of previous months. As the pupils advance, more time

must be allowed on their problems resulting in fewer productions during the year.

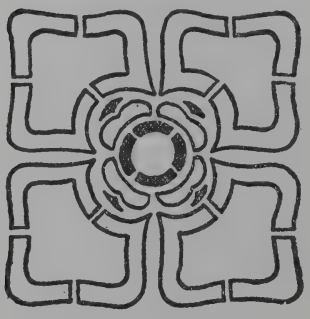
Correlation. Suggest individual research along the art lines in which they are working and have the children record their results where they might fit in with other studies. Write a comment on one of the pictures previously studied with regard to its composition.

Study. Composition in the pictorial drawing, center of interest, perspective, relation of masses and values etc. Study for clear mental pictures of various objects that clear conception may mean accurate representation.

Picture study. *Frieze of the Prophets,* Sargent; *Shaw Memorial,* St Gaudens; *St Cecilia,* Raphael.

April, May and June — Plant drawing and Decoration

Drawing. Early twigs, buds and flowers. Observe carefully and draw accurately. Note proportions, convergence, growths, characteristic unfolding of leaves and flowers. Render in pencil outline and color. Make studies for decorative use. Draw the spring birds, their nests, butterflies and their cocoons. Conventionalize for design.



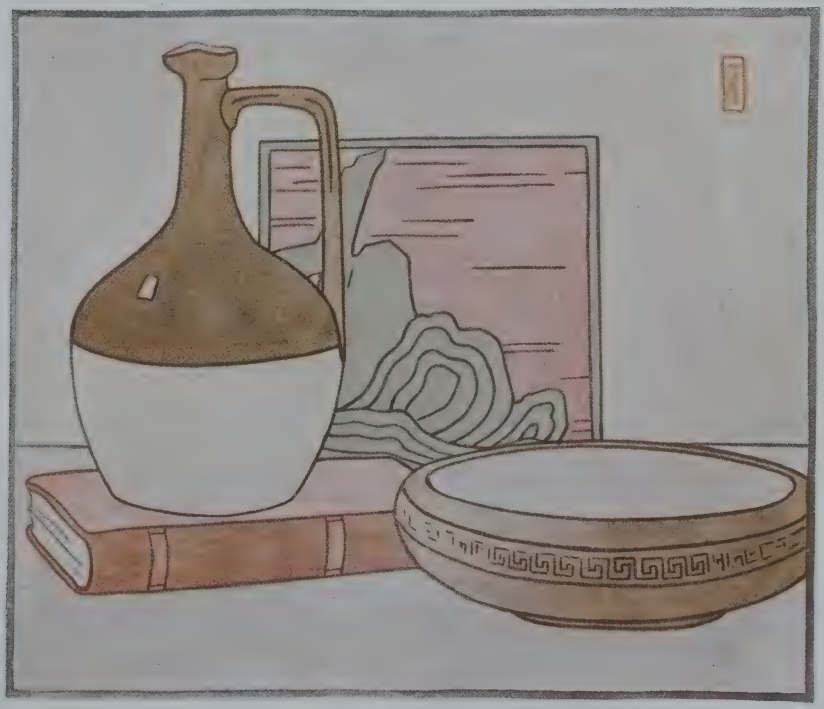
Design. From drawings of plant and nature derive suggestive motives for application in the making. Make designs for wall paper patterns, book covers, borders etc. Begin to *design* in the true sense of the word. Print mottoes; cover for graduation day program.

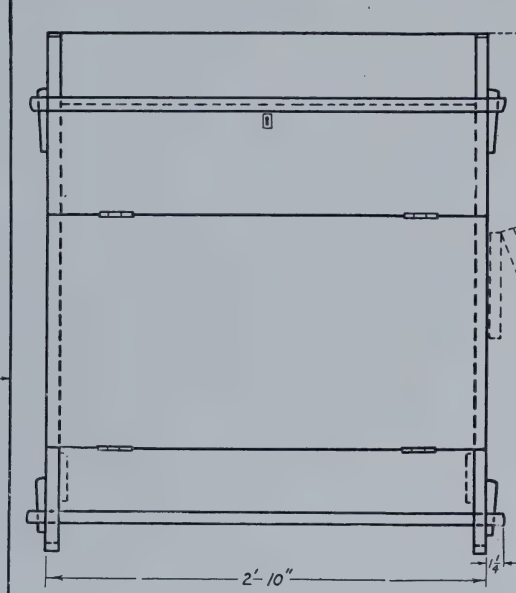
Making. Finish problems as suggested for this year and apply decoration or make and bind carefully a booklet of written work. Make in the shop objects of practical use for spring season, as vine trellis, flower box for window or porch, bird house.

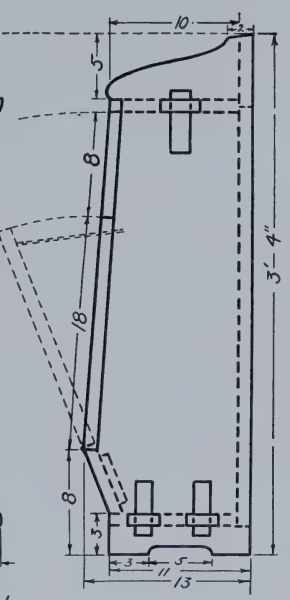
Correlation. Have children illustrate nature and bird study. Correlate with geography, industrial history, etc. in similar ways. Write an illustrated composition on the visit to the printing office.

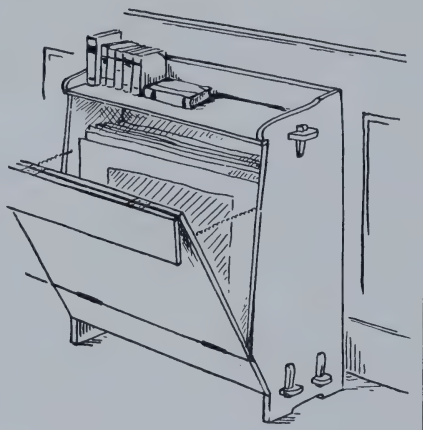
Study. Practical use of drawing and making, plant construction from the seed or bulb, laws of growth, and note same principle in design. Study printing; visit the local printing office.

Picture study. *In the Meadow,* LaRolle; *St Mark's Church at Venice; William II of Nassau,* Van Dyke.









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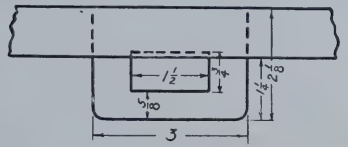
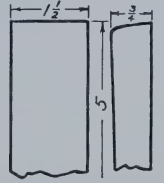




Detail of Pin at top

— CABINET —

For Portfolios or Mounted Pictures

R.B.F. Del. DATE

BILL OF STOCK

1 Lock & Key
4 Brass Hinges
2 doz 1" Screws

Material — OAK			L	W	T
Sides	2	Pieces	3'4"	13	7/8
Shelves	2	"	3'-7/8"	10	"
Front	1	Piece	2'10"	8	"
"	1	"	"	18	"
"	1	"	2'8¼"	6	"
Back	3	Pieces	2'8"	11	"
" Top	1	Piece	2'8¾"	5½	"
Pins	1	"	4"	1¼	¾
"	2	Pieces	5"	1½	"

EIGHTH YEAR

September and October — Nature drawing and Color

Drawing. Fall flowers and fruits with idea of making records or plates for future uses. It is time now to insist upon greater accuracy in drawing, finer proportions and better details. Draw in pencil outline and light and shade.

Color. Treat nature drawings in beautifully refined color qualities for satisfying effects and decorative purposes. Note predominance of grayed color in nature and effective use of strong color.

Making. Sewing and cooking for girls. Manual training for boys, making of simple stools, bookcases, cabinets, tables etc. after preliminary exercises and instruction on various constructive elements involved. Detailed drawing of objects to be made. Application of color to sewing materials.

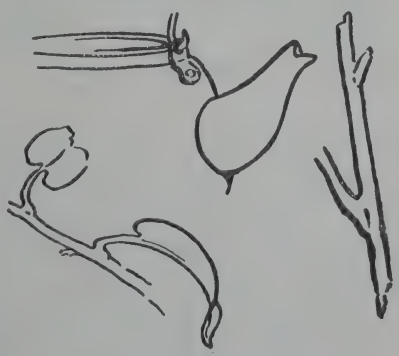
Correlation. Choose one phase of the work and trace its development in history. Correlate fall drawing with nature study. Botany.

Study. Careful rendering of nature for botanical analysis. Beauty of color harmony, use of complementary colors, etc. Study differences in poster effects of color and interior decorative color.

Picture study. *Holy Grail Series,* Sargent; *The Water Carrier,* Millet; *Westminster Abbey, London.*

November, December and January — Constructive drawing and Design

Drawing. Various objects in different positions. Note the constructive features, as the joining of the handle on a teapot, the construction of the nozzle, joining of the neck of a can to the nose etc. Make free-hand and mechanical drawings of the constructive problems. Draw them also in perspective. Make memory drawings of objects previously studied.



Design. Make and apply designs to the problems in making. Competitive design of a color for the annual school report. Do

not feel obliged to always apply surface decoration, however, as good design in the construction is, more often than otherwise, all that is necessary.

Making. Continue the sewing and cooking for girls, and woodworking for the boys.

Correlation. Connect with other studies in a vital way. Children should by this time combine their drawing with other work quite freely and unconsciously. Keep the standard for illustrative work always high. Discourage the tendency toward poor drawing and writing in other lessons.

Study. Memorize familiar objects and study their construction and characteristics with regard to the representation of them. Study for beauty and grace in line and mass and work carefully for beautiful results in the making.

Picture study. *Madonna of the Shop,* Dagnan-Bouveret; *Queen Louise,* Richter; *Temperance,* Burne-Jones.

February and March — Pictorial drawing and Composition

Drawing. Make careful studies of still life groups working for pictorial or picture effect. Treat also in a decorative way applying the study of good composition to both the decorative and representative picture. Draw in pencil light and shade, outline, charcoal. Treat in a decorative manner by rendering similar studies in flat washes of color with heavy outline. Compose simple landscapes in flat value and flat color.

Making. Continue the manual training work as first started, laying emphasis on the value of good workmanship. That school is indeed unfortunate that does not have some handicraft work which furnishes a motive for the application of drawing principles.

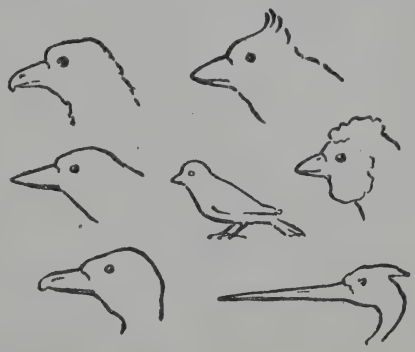
Correlation. The landscape composition will illustrate the study of geography. The pictorial rendering may be utilized throughout all the other studies. Correlate cooking and physiology. Collect specimens of various woods and make records of them.

Study. Effects of light and shade, shadows, perspective. Note the elements of good composition as seen and developed through picture study and apply to the drawing. Study effect of line in leading one into the picture; mass for a like reason, and good framing. In the manual training work study Japanese embroideries for examples of good technic and good furniture for construction, use and care of the wood.

Picture study. *The King of Rome,* Greuze; *The Mill,* Rembrandt; *Pot of Basil,* Alexander.

April, May and June — Plant drawing and Decoration

Drawing. Represent accurately details of early growth. Draw the spring flowers in outline and color for botanical work, with special emphasis on details of construction. Draw in various positions and dissect the flowers for more careful study. Draw various parts for decorative units. Draw the spring birds and butterflies.



Design. Treat spring drawing in a decorative way by conventionalizing the drawings and applying to work in making. Design cover for graduation program and school booklet.

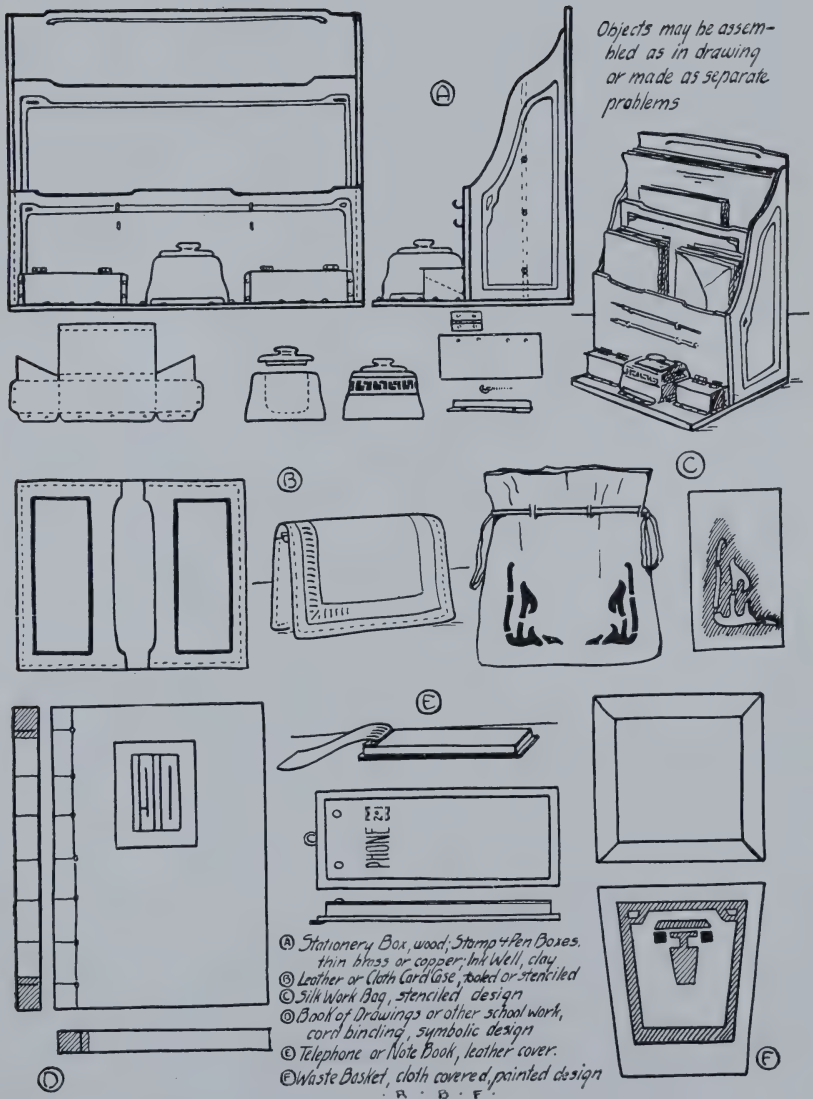
Making. Complete work in sewing and woodworking. Make graduation programs, to be judged, and the best used upon that occasion. Make porfolio or book of design and drawing work for other school subjects. Print carefully from alphabets previously learned.

Correlation. Study of spring with physical geography and nature study. Write a paper on conventionalization for English, figure cost of work in making, as cloth, thread, needles, wood, nails, stain etc. in arithmetic, or figure profits on machine made articles, etc.

Study. Practical results from drawing and making. Note development of various technics and possibilities of following it to a high grade of workmanship and art.

Picture study. *The Haymaker,* Adan; *David,* Michel Angelo; *Medfield Meadows,* Inness.

From time to time supplementary leaflets will be issued dealing in a more definite way with different phases of art and industrial work in the schools. Such subjects as Picture study, Object drawing, Paper cutting, Applied design, Leather work and Practical ways of correlating will be considered with reference to certain grades or kinds of schools.


Objects may be assembled as in drawing or made as separate problems
A
B
C
D
E
F
PHONE
Ⓐ Stationery Box, wood; Stamp & Pen Boxes, thin brass or copper; Ink Well, clay
Ⓑ Leather or Cloth Card Case, tooled or stenciled
Ⓒ Silk Work Bag, stenciled design
Ⓓ Book of Drawings or other school work, cord binding, symbolic design
Ⓔ Telephone or Note Book, leather cover.
Ⓕ Waste Basket, cloth covered, painted design
· A · B · F ·

PHYSIOLOGY

COURSE III

Seventh and eighth years

A more advanced textbook should be used in these grades, but, as in course II, unnecessary terms, details of structure, processes etc. should be omitted unless an understanding of them is essential to the formation of hygienic habits; the text should be read and discussed in class. More details essential to hygiene can be given than in the preceding years. Pupils should be expected to understand and remember facts and processes better. An appreciation of the value of good health and the cultivation of habits likely to develop strong, healthy bodies should still be the chief aims.

I The body

Review points as outlined in course II; such additional facts as the adaptability of the shape and structure of bones to use, kinds of joints, use of tendons, connective tissue, etc. may be given; some of the commonly used scientific names of the bones may also be learned, though this is not essential.

II Food and its use in the body

Proteid, fat, starch, sugar and mineral salts, and the use of each to the body given in greater detail; regulation of diet to suit heat conditions; need of variety in diet; the composition, care, use and digestibility of such commonly used foods as milk and its products, eggs, meat, grains, vegetables, fruit, nuts, olive oil, etc. given in greater detail; coffee, tea, chocolate, cocoa, "soft" drinks and alcoholic drinks discussed from the standpoint of value to the body; best ways of keeping and preparing foods; harm from eating too freely of rich desserts, candy etc.; why a liking for milk, eggs and certain foods valuable in illness should be cultivated; direct value of wisely selecting one's food at daily meals. Demonstrations to test the presence of the various nutrients in foods.

III Digestion

A chemical process; saliva, salivary glands and mouth digestion; benefits of slow eating and thorough mastication; esophagus, stomach, small intestine, large intestine, brief statement as to

muscles of digestive canal and how they work, length of digestive canal; gastric glands, gastric juice and stomach digestion, the work of muscles in; the liver, pancreas, and intestinal glands, and intestinal digestion; absorption and assimilation briefly described; how the great length of the intestines and their interior structure favor digestion and assimilation; demonstration to show process of osmosis; waste products of digestion; need for daily thorough movement of the bowels, best time for, regularity in, essential; experiments in digestion may be profitably performed in these grades, if time permits.

IV Eating habits

Food should be taken slowly and masticated thoroughly; Fletcher's and other experiments discussed; eating between meals to be discouraged; why food should not be soaked or washed down with liquids; use of cold drinks or foods at regular meals; effect of violent exercise or severe mental work immediately before or soon after meals; effect of excitement on digestion; happy state of mind the best condition.

V Air and its use in the body

Review points given in course II, presenting them in greater detail, e. g. the composition of air more fully explained, experiments to illustrate the properties of oxygen, carbon dioxid, the effects of heat and cold upon air, etc.

VI Respiration

Review points under " Breathing " in course II, presenting topics in greater detail; use terms respiration, inspiration and expiration; be sure that correct breathing position is understood and practised by all; encourage pupils to notice their own breathing habits and to work for improvement until breathing through the nose and rhythmic deep breathing are the habit of each; make correct sitting and standing position and rhythmic deep breathing matters of pride and emulation in the class; emphasize the fact that greater skill in play and in work and handsomer appearance attend the formation of these habits; if possible, have the lungs of some animal in class and inflate them to show elasticity and possibilities for gain in expansion, as well as to give correct ideas of appearance, structure etc.; emphasize deep breathing and other exercises likely to result in increased lung capacity and improved position; demonstration to show nature of oxidation.

VII Water and its use in the body — the organs of excretion

Review points enumerated in course II; emphasize the value of drinking freely of water, frequent bathing, not quickly preventing the flow of perspiration, and the many simple ways in which water is useful to the body; the skin, kidneys etc. studied in more detail; prevalence of diabetes and Bright's disease, and why drinking freely of water helps to prevent them.

VIII Blood and circulation

Review points enumerated in course II, giving more details and explanations; compare circulatory system with the water system of a city; expect better understanding than in preceding grades and require accurate memorizing; normal bodily temperature, above normal, subnormal, use of clinical thermometer and its importance in illness; how to tell the pulse and the significance of the pulse rate in sickness; experiment to show variation of pulse in exercise; lymph and the lymphatic system may be discussed in some classes of these grades, though in many instances it may tend to confuse rather than to help.

IX The nervous system

Review points given in course II; the principal parts of the brain and the use of each; the structure of the brain and spinal cord presented in more detail than in preceding grades; the ganglia and their function briefly discussed; sympathetic nervous system and reflex action may be profitably discussed in some classes.

X The special senses

Sight — the eyes and their use to the body; principal parts, the use of each, the process of seeing etc. presented in more detail than in course II; eye compared to a camera; points enumerated in course II presented and enlarged upon; the value of good sight; special care and protection necessary for eyes of infants; the disadvantages of defective vision or blindness, and personal responsibility for the condition of one's eyes emphasized throughout; such points as correct position when reading by artificial light, not allowing the book or paper one is reading to lie flat on a desk or table, and other similar points, should be presented so frequently and forcefully as to result in personal application by each pupil. Use of models or organs of an animal to show structure.

Hearing — present the points pertaining to the structure, care and protection of the ears, given in course II, giving more details and enlarging where the ideas will be clarified or strengthened thereby; proper care and protection should be the chief aims; the cause of dumbness.

Taste, smell and feeling — each should be briefly discussed and explained; how sense acuteness may be cultivated.

XI Care of the body

Clothing — present points enumerated in course II, enlarging where advantageous.

Teeth — present points given in course II, but in greater detail where helpful, e. g. more facts concerning structure, names of different teeth, etc., the utility and beauty of clean, healthy teeth should be emphasized throughout.

Voice — review points given in preceding courses.

XII Contagious diseases

Discuss the points given under this head in course II, giving additional data where feasible; health officers and their duties; removal of garbage, waste etc. at public expense and the reason; necessity for public and personal cleanliness; public movements to prevent the spread of tuberculosis of the lungs etc.; importance of pure water supply; how individual good sense and reasonable care may prevent much illness and suffering; review points on the house fly and mosquito given in courses I and II.

XIII Accidents and emergencies

Consider the points enumerated in courses I and II, giving additional information where practical, e. g. how to stop bleeding from an artery or a vein, how to perform artificial respiration, etc.; value of reasonable caution in preventing accidents, and of quick action in repairing and lessening the harmful effects of them.

XIV Exercise

The various exercises and games discussed from the standpoints of fun and benefit to the body; value of being a lifelong devotee of some out-of-door sport; various exercises adapted for the purpose of special improvement; best times for exercise; effect of exercise upon the muscles and upon the different functions; review points of preceding courses.

XV Rest and sleep

The points enumerated in preceding courses presented in greater detail; value of rest to the brain before severe examinations etc.; diseases in which absolute rest or at least no violent exercise for a time is necessary.

XVI Alcohol

Review points given in preceding courses; take up in some detail the effect of alcoholic drinks upon the stomach, liver, heart, arteries etc.; effect of such drinks on animals; effect on morals; relation of alcohol habit to insanity, crime, working ability, securing employment, doing one's best in athletics, etc.; growth of alcohol habit; misery, unhappiness etc. caused by it.

XVII Tobacco

Give points presented in course II in greater detail; experiments at Yale and elsewhere considered; harm from cigarettes etc.

XVIII Opiates

Their injurious effects discussed; the patent medicine habit; pure air, simple food, pure water, exercise and rest, the best remedies.

XIX The joy of health and strength

The great advantages of good health and strength, and the discomforts and handicap of ill health discussed, and personal observations of pupils along these lines encouraged; personal accountability for health and strength; ease with which both are lost, and difficulty and length of time required to regain them; good health the best wealth; summary of habits likely to make our bodies healthy and efficient.

NATURE STUDY AND AGRICULTURE

Seventh and eighth years

The work herein outlined is closely related to the nature study of the six year elementary course. Therefore the work in that syllabus should be reviewed to get a correct basis for the more advanced study in these grades.

The key word for grades one to three is *recognition* and for grades four to six *adaptation.*

For grades seven and eight the key word is *utilization* — how the object utilizes the elements of its environment, and also how it may be utilized as an economic factor in its relation to man. If this work accomplishes its higher purpose, there will be in addition to the facts acquired a mental growth through observation and perception, through judgments and reasoning in the formation of simple but sane and accurate conclusions.

MODEL OUTLINES

Birds

Bird for detailed study, 1914–15: English sparrow

Directions. Begin the work late in the fall after the birds have molted, base it upon actual observations of live birds. These observations form the material for a comparative study of the winter birds and of the spring migrants as they arrive.

I Study according to outline the work relating to the English sparrow as given under I for all preceding grades and also

1 Value of this bird as (*a*) a destroyer of weeds; (*b*) a scavenger in towns and cities

2 Damage done by this bird

Review the hen, distinguish meat and egg breeds and add

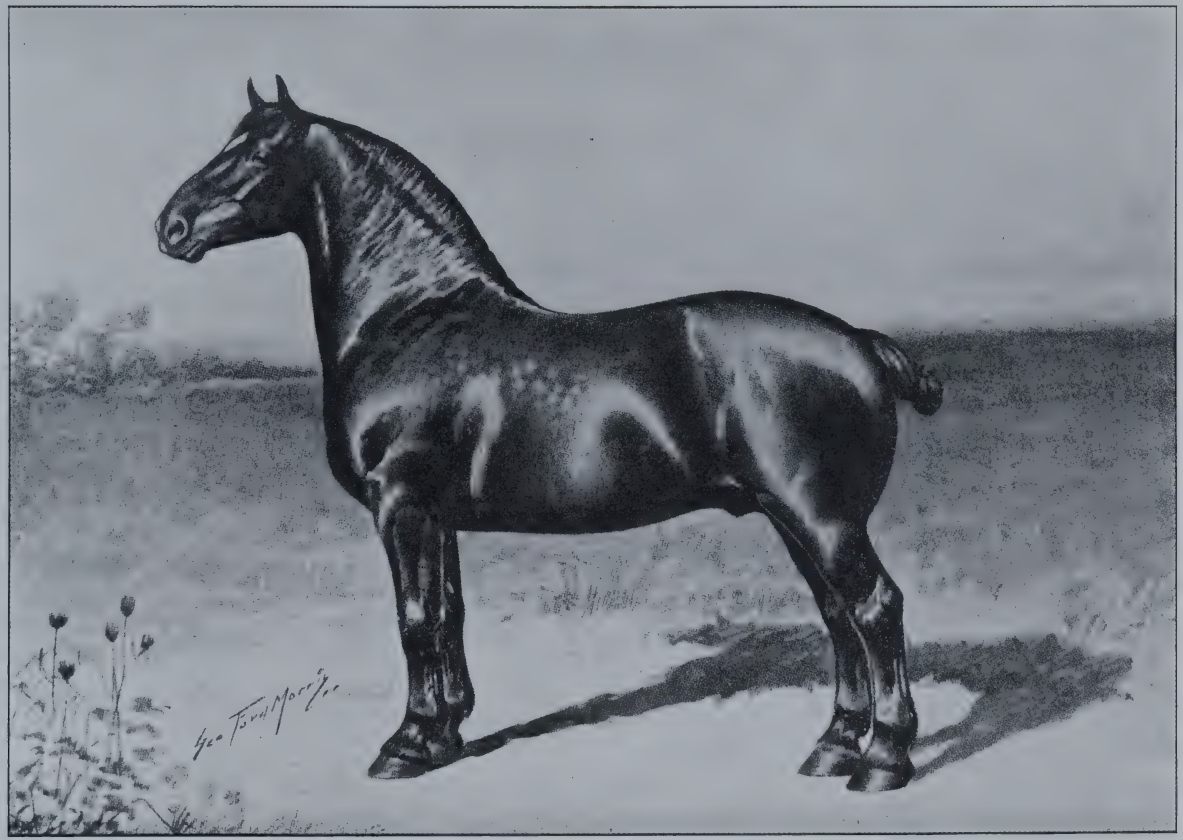
(1) Care of hen (*a*) food; (*b*) housing; (*c*) incubation

(2) Value of hen (*a*) as food; (*b*) eggs as a crop; (*c*) market

II Study according to outline the work relating to the several birds, as given under II for all preceding grades and also

Food of birds to determine their economic value to farmer, fruit grower and residents of towns and cities

III Poems, stories and pictures: Bryant's The Song Sparrow; Longfellow's Birds of Killingworth



DRAFT TYPE — PERCHERON

DAIRY TYPE — JERSEY

For suggestions in regard to pictures and other selections from literature, *see* lists on pages 135–56.

List of birds (1) to be studied and (2) to be recognized, for the several years, will be found in the six year elementary course.

Animals

Animal for detailed study, 1914–15: dog

Directions. This work on animals can be taken up at any season but generally it will be found more satisfactory to begin it early in the year and carry it along with the study of birds.

I Study according to outline the work relating to the dog as given under I for all preceding grades and also

1 Value of dog as (*a*) protector; (*b*) destroyer of vermin; (*c*) for special use in north lands

2 Losses from dogs

Review the cow, distinguish beef and dairy types and add

(1) Care of cow: (*a*) food, balanced ration, (*b*) housing — need of sanitary conditions

(2) Beef products

(3) Dairy products: (*a*) milk, clean, certified, pasteurized; (*b*) butter and cheese, Babcock test

The Babcock test is optional, but it is recommended when the apparatus can be secured.

(4) Geography — where beef and dairy products are produced and where marketed

II Study according to outline the work relating to the several animals as given under II for all preceding grades and also

1 More detailed study of economic values

2 Eradication of such as are pests

III Poems and stories: Emerson's Mountain and Squirrel, Phoebe Cary's That Calf, Scott's Helvellyn, Brown's Rab and his Friends, Ouida's Dog of Flanders; picture — Douglas's Mother and Daughter

For further suggestions in regard to pictures and selections from literature, *see* lists on pages 135–56.

Lists of animals (1) to be studied and (2) to be recognized for the several years will be found in the six year elementary course.

Plants

Plant for detailed study, 1914–15: pea

Directions. About March 15 plant in pots of loam, sand and sawdust; also in lantern chimney lined with blotters to show germination.

I Study according to outline the work relating to the pea as given under I for all preceding grades and also

1 Needs of the plant in growing — moisture, warmth and air, sunlight, soil. Here study texture of the soil and its relation to plant growth.

2 Value of the pea (*a*) as food for man, for stock; (*b*) market for food, canning; (*c*) as a fertilizer, a legume

II Study according to outline the work relating to the several plants as given under II for all preceding grades and also

Life history of the weeds — root structure and seed dispersal with a view to learning how to destroy them

III Poems, stories and pictures suggested: Bryant's Gladness of Nature, The Planting of the Apple Tree

For suggestions in regard to pictures and other selections from literature, *see* lists on pages 135–56.

Lists of plants (1) to be studied and (2) to be recognized for the several years will be found in the six year elementary course.

Insects

Insect for detailed study, 1910–11: monarch butterfly

Directions. Begin the work early in September as soon as school opens while yet the caterpillars are feeding upon the milkweed and while there are many specimens of the butterfly to be found. Note the transformation in the life history of the insect.

I Study according to outline the work relating to this insect as given under I for all preceding grades and also

1 Note specially how the insect breathes and eats

2 Determine whether the insect is of any economic importance, (*a*) in pollination, (*b*) as a check upon growth of weeds

3 Identify antennae, true and false legs of caterpillar — note difference between the two latter

4 Mimicry — how the markings of the monarch protect the viceroy

II Study according to outline the work relating to the several insects as given under II for all preceding grades and also

1 How to destroy the potato beetle. Base this upon life history of the beetle
2 Study life history of plant louse. Note difference between gnawing and sucking insects and consequent difference in method of eradication

III Poems, stories and pictures

For suggestions in regard to pictures and selections from literature, *see* lists on pages 135–56.

Lists of insects (1) to be studied and (2) to be recognized for the several years will be found in the six year elementary course.

Trees

Tree for detailed study, 1914–15: maple

Directions. Begin in the winter or any time after the leaves have fallen, and carry the work through the year, noting the different phases of the tree's life as they appear.

I Study according to outline the work relating to the maple tree as given under I for all preceding grades and also
1 Kind of soil in which it grows best
2 Its economic value: (*a*) maple sugar (teach here rock maple and soft maple), (*b*) lumber — what it is used for
3 Protection by birds from insect pests
4 Geography — where it grows

II Study according to outline the work relating to the several trees as given under II for all preceding grades and also
1 Value of forests for climate, soil, water supply
2 Enemies to forests — insects, fires, unwise lumbering
3 Protection and propagation of forests

III Poems, stories and pictures: Lowell's The Maple Puts her Coral on in May

For suggestions in regard to pictures and other selections from literature, *see* lists on pages 135–56.

Lists of trees (1) to be studied and (2) to be recognized for the several years will be found in the six year elementary course.

Suggested material for use of teachers

In the six year elementary course, under the above topic, the teacher will find a list of current helps, bulletins, texts for teachers' use, pictures of art value and selections from the literature of nature study — many of which will furnish valuable helps for the work of the seventh and eighth grades.

LATIN

It is advised that Latin be taken during the seventh and eighth grades by all pupils who intend to study Latin in a high school. This will give the pupil two years in which to do the work that would be required of him in the first year of the high school and should enable him to enter the second year class. The chief reason for recommending the beginning of the study of Latin in the seventh year is to avoid the severe strain caused by attempting to do in a four year high school course that which should have six or at least five years for its right accomplishment.

Pronunciation. The pronunciation of the Latin should be acquired by practice on connected texts which the pupil can translate and understand. The simple rules of pronunciation should be learned and applied. But during the first few weeks of instruction oral teaching should constitute a large part of the exercises in the classroom and therefore it is of the utmost importance that the teacher in charge of the elementary Latin grades should pronounce Latin fluently and correctly.

Vocabulary. The vocabulary should be acquired by easy stages. By constant repetition of difficult words in converting easy Latin sentences into English and vice versa and by memorizing easy fables and simple narratives the vocabulary will be fixed in the pupil's mind. About 400 words should be learned during the seventh year and at the end of the eighth year the pupil should have a thoroughly mastered vocabulary of from 600 to 700 words.

Oral teaching. It is urged that oral teaching and recitation should be largely employed and that fully as much attention should be given to the oral as to the written work. The ear should be trained as well as the eye.

A good first year Latin book should be used from the beginning. This book should be thoroughly mastered by the end of the eighth year.

SEVENTH GRADE

It is evident that the vocabulary used during any period can not be restricted to any particular declensions and conjugations but it is recommended that during the first half of the seventh year special attention should be given to the thorough mastery of the following:

First and second declensions of nouns

Conjugation of the verbs *sum* and *possum*

Indicative mode, active and passive of the first, second, third and fourth conjugations

Adjectives of the first and second declensions

Personal and possessive pronouns, the relative pronoun *qui* and the demonstratives *hic, ille, ipse*

During this term pupils should translate from Latin into English easy fables, stories or history, the teacher supplying the parts of speech not yet studied by the pupil. But emphasis should be placed on the reading and rereading of the text studied until the pupil can carry in his mind the meaning of the Latin without translating it.

The grammar work recommended for the second half of the seventh grade includes the following:

Third declension of nouns

Adjectives of the third declension

Comparison of adjectives and adverbs

Numerals from 1 to 20

Subjunctive mode, active and passive of the first, second, third and fourth conjugations

Infinitives and participles of the four regular conjugations

Verbs in *io* of the third conjugation

During this term considerable time should be devoted to the reading of easy Latin such as Perseus, Hercules, The Argonauts, Ulysses and stories from Roman history. In connection with the reading, pupils may be taught to recognize purpose and result clauses, ablative absolute, and the more common case relations.

EIGHTH GRADE

The eighth grade will complete the study of forms and will take up such parts of Latin grammar as are necessary for the thorough understanding of the Latin to be read. Translation of English into Latin should be carried on, though to a subordinated degree, by both oral and written exercises.

The work during this year must not be crowded; gradual but sure progress in mastery of the elements of Latin should be the aim. It must be understood that the study of Latin in the seventh and eighth grades is not for the purpose of getting ready to read Caesar, but for the purpose of cultivating the language sense of the pupil, for the pleasure of the study itself, for the culture it affords and further, that the pupil may have acquired at the proper age a

thorough mastery of Latin paradigms and Latin syntax which enables him to read literature not prescribed by any school programs.

At least 300 new words should be added to the vocabulary during this year, besides keeping fresh in mind the 400 learned in the seventh grade.

During the eighth grade the relation of English and Latin grammar should be kept prominent for the purpose of improving the pupil's English. Some pupils can give only limited time to the study of Latin; to these should be offered a practical course in language which will prepare for better understanding of English speech and a proper appreciation of the Latin itself.

The reading for this year should be selections from such Latin as "The Life of Caesar" from *Viri Romae,* "The Life of Hannibal" from Nepos, easy selections from Caesar's *Gallic War,* and tables not read heretofore.

FRENCH

SEVENTH AND EIGHTH GRADES

French may be elected at the beginning of the seventh grade. The study of this language at this earlier period has a practical aim and the teacher should attempt from the first to give the pupils a speaking as well as a reading knowledge of the language. The pronunciation of the French is very difficult and can not be learned by rule; it must be acquired by constant practice. Translation systems used to master a language have all failed to give the student facility in understanding the language when spoken or when read in his presence. Three objects should be in view when the teacher attempts to put the pupil in possession of a new modern language: (1) to learn to translate into English equivalents, (2) to read the foreign language without thinking of the English at all, but sensing the thought in the original, (3) to speak the language fairly fluently and likewise to write it true to its idiom and best vocabulary.

This course is offered with the expectation that the pupil will have time enough to do well all three things here suggested. By beginning French in the seventh grade and pursuing it through the high school, the pupil should have ample time to do this work thoroughly. It is expected that the subject-matter will be presented by easy and well graded stages, with much time for drill and reviews, affording full time for the language to be comprehended and assimilated. If the pupil has had a year of Latin before beginning French, the latter will prove doubly interesting and easy. The vocabulary will be quickly grasped and the grammar will be comprehensible.

The first half of the seventh grade should be devoted to reading in class many short stories, fables, fairy tales, anecdotes and historical sketches for the sake of pronunciation. The literature in French now available is almost unlimited and thoroughly suited to beginners of this grade. At least 50 pages should be pronounced and read and its contents given in English during the first half year of study. The oral method is well suited to this stage of the work. Reading of the French text without any attempt to translate into English should be practised vigorously. Early facility in correct pronunciation of the text will assist the pupil in the acquirement of a large and first-hand vocabulary. The text should be read many times, without haste, for pleasure, for the ideas contained in it.

The grammar of the first half year will include as much of the noun, article, verb, pronoun, adjective, adverb, preposition and conjunction as is necessary to master the reading selected.

The reading of the second half year of the seventh grade should include from 50 to 75 pages of easy French prose, conversations on the text read, oral pronunciations of the language in class to accustom the ear to its sound and contents, and writing short sentences in French for composition work. Paraphrasing the French text read is preferred to the mere translating of set English sentences.

The grammar of the second half of the seventh grade should keep pace with the difficulties occurring in the texts chosen for reading.

During the eighth grade year from 150 to 200 pages of French should be read and translated. Some easy poems should be learned and recited before the class. Suitable to this stage of the work are: *Ma Normandie, Le Petit Pierre, La Tombe et la Rose, Partant pour la Syrie, La Source et L'Océan, L'Amitié, Ma Maison, Beau Soir.*

Composition and conversation should be emphasized now and the material should be found in the literature read. Idiomatic expressions should be collected and memorized.

During the eighth grade year the French grammar should be made the subject of constant study. The subject as presented in the elementary French books must be thoroughly mastered. After two years of French study the pupil ought to be prepared to read French literature and novels as literature. The grammar is to be taken up as necessity arises in connection with the texts read. The particular topics of grammar to be considered in the different parts of the course will vary with the work selected for reading. The judgment of the teacher must determine how much of formal grammar is to be taught, just when it is to be taught and where the emphasis is to be placed. This fact should be kept in mind, that the purpose of the study at this time is to acquire the ability to use the language. By the end of the second year the student should have covered the work in grammar required by the academic syllabus in first year French.

During these two years of French study the "practical" should be kept in the foreground. Ability to pronounce the language is the first aim of the course; then, extensive reading of the French literature, with consequent mastery of vocabulary and idiom, will be a genuine pleasure to the pupil.

GERMAN

SEVENTH AND EIGHTH YEARS

German may be elected in the seventh and eighth grades. The longer period devoted to the study of the German by beginning the study of such subject in the seventh grade will afford ample time for the adoption and use of the natural method of language study. German is a living, not a dead language, and the aim in these grades should be to give the pupil a speaking, as well as a reading, knowledge of this language.

Pronunciation and correct accent are preliminary and all important in modern language study. These can not be secured through the mere learning and repeating of rules; practice under proper guidance and correction alone can put the pupil in possession of the language. There should be much practice in reading in the class by the pupil, the whole class, and the teacher. This will fix the sounds and pronunciation in the pupil's mind and soon enable him to read, without translating, easy German stories and fables. This will give him the word order, a vocabulary and much of the grammar without being obliged to memorize them in an artificial way.

A German story should be read and then reread till its genius and spirit are mastered. The language must be enjoyed, if progress is made, and the essential things must be repeated so often that they cease to tax the attention of the pupil. Confidence must be secured; and this can be attained by reviewing stories, fables or narratives till the sense is entirely obvious without recalling the English words or translation. When the literature read is so hard that the pupil just succeeds in getting each day's lesson so that he can repeat it, the subject becomes difficult, uninteresting and often artificial; the pupil gets discouraged and all enjoyment is taken out of the study. Crowding pupils to the limit is not good language teaching, though the temptation to do so in language is not often enough resisted by the teacher. Literature at the earliest possible moment should be read and considered as literature; this can not be accomplished by continually holding attention upon mere technicalities of grammar and peculiarities of idiom. Texts with unusual idioms should be avoided during the first years of German study. Obvious constructions, short sentences and clear style should be the first matters of

consideration. There are now published plenty of texts of this nature and they should be sought out and used.

Translation of English, except the simplest, into German should not be attempted till facility in reading the German text be acquired and something of the German word order has been learned by reading. Familiarity with German construction can best be learned by imitating the German text. German should be learned as German, and it is essential that the pupil be early accustomed to the language by reading it.

The first difficulty of practical importance in teaching German grammar relates to the gender and declension of nouns. If the attempt is made to master the gender and declension of every noun that is met with, either progress will be very slow or the learner's memory will soon become overtaxed. Trying to remember everything, he soon ceases to remember anything with absolute confidence. The best way to deal with this difficulty is to concentrate attention from the start upon those nouns that belong to the language of everyday life — the names of familiar objects, relationships and ideas — to make sure of these and let the others go. A list of such nouns can be made out which need not contain more than 300 words. The pupil who at the end of a two year course has really learned that number of nouns so that the right gender and right plural come to him instantly, has done quite enough.

Report of Committee of Twelve

The reading should be the simplest possible at first, such as *Jacobs Haus, Die drei Schläfer, Der Riese und das Kind,* which furnish material immediately for conversation and story-telling. Correct reading and story-telling enable the pupil to make rapid progress in mastering sounds and construction and thus increase his confidence. There are scores of these easy stories which have been published with suitable exercises and good vocabularies and there is no lack of the best material to enable the teacher to carry out natural methods of instruction while mastering the elements of the German language.

It is recommended that not less than 50 pages of these stories and fables be read and translated during the first half year. Reading the German text without any attempt to translate into English should be practised. Early facility in correct pronunciation of the text will assist the learner in acquiring a large vocabulary.

The grammar of the first half year should include as much knowledge of the rudiments as is necessary to master the reading selected.

The following paragraph quoted from the *Report of the Committee of Twelve* is suggestive and helpful:

For literary appreciation — that is, for reading of the most profitable kind — one needs before all things a sensitive feeling for the language. The learner's faculties and organs must be taught to respond instantly and naturally to the foreign symbols whether they are seen or heard. To accomplish this, there is no kind of drill so good as the memorizing and frequent repetition of easy colloquial sentences. Such sentences can be given out and learned without any attempt at grammatical analysis and quite in advance of the pupil's grammatical knowledge. To know the meaning of " es tut mir leid " and to be able to handle the sentence appropriately, it is not at all necessary that one be able to parse a single one of the words. It is to be borne in mind that psychologically the unit of speech is the sentence or the phrase, and not the individual vocable . . . Such drill develops aptitude by creating Sprachgefühl. Its value has some analogy to that of the finger exercises of the incipient pianist.

Of somewhat less value than the former is the practice of memorizing gems of poetry. Since the object of the drill in colloquial German is to create an instinctive feeling for the language in its usual and natural modes of expression, the poems given out for committing to memory should be few and short. They should be selected with reference to their simplicity and naturalness of expression. Some poems suitable to this period of the study of German are:

1 **Heine.** Du bist wie eine Blume
2 **Goethe.** Gefunden
3 **Hoffman.** Vergiss mein nicht
4 **Schiller.** Der Schützer
5 **Rückert.** Schlaf' ein, mein Herz
6 **Rückert.** Barbarossa
7 **Goethe.** Der Erlkönig
8 **Rudolphi.** Das Bächlein
9 **Heine.** Die Lorelei
10 **Goethe.** Heidenröslein

Reading for second half of first year

The class should read from 50 to 75 pages of easy stories, fables and poems. Much of this can be read in the class without translating into English. The pupil should now be pronouncing the

German text fluently. Reading and reviewing will bring the desired result.

Translating English into German should be a part of the work of this period. Much of this can be done in the class under the correction of the teacher. The translation of German into English and the retranslation of this English into German is a most excellent practice and one to be strongly recommended. An elaborate scheme of sentence writing is not here contemplated nor should it be attempted.

Second year's requirements

Grammar. Further drill upon the rudiments of grammar and the elementary rules of syntax and word order. The grammar is to be taken up as necessity arises in connection with the texts read. The particular topics of grammar to be considered in the different parts of the course will vary with the work selected for reading. The judgment of the teacher must determine how much of formal grammar is to be taught, just when it is to be taught and where the emphasis is to be placed. This fact should be continually kept in mind, that the purpose of the study at this time is to acquire the ability to use the language. At the end of the eighth grade the pupil should have mastered as much of the grammar as is laid down in the syllabus for the first year of high school work.

Reading. From 75 to 125 pages of graduated texts should be read during the second year. Reading in class and out of class should be for the sense of the story; conversation should be based on the reading and the exercises in German prose ought to be based on the reading prescribed by the teacher.

MANUAL TRAINING AND MECHANICAL DRAWING

Seventh and eighth years

Drawing and manual training in the early grades are so closely and undeniably related to each other that their separation into two courses of instruction and two teaching forces would be placing both subjects at a disadvantage. However, manual training in the seventh and eighth grades, while just as closely related to the art work of the previous years, acquires a somewhat different character with reference to equipment, materials and operations. Sex differentiation of handwork enters into consideration: for boys, toward the larger mechanical industries, and for girls, toward the household arts. It is assumed that a male instructor is engaged in teaching the bench work to boys, and that there is a special equipment and ample time allotted to accomplish the desired ends.

The object of the manual training is fivefold:

1 To aid in the general education of the pupil by stimulating the brain cells through motor activity.

2 To develop appreciation for industrial work by showing through actual experience that it means mental as well as physical fitness.

3 To command respect for the labor of the artisan who is supplying the material demand of the public and who needs the intelligent support of the community in securing his economic and social rights.

4 To train in appreciation for practical construction and beauty in the object.

5 To give the best possible start toward the life work in which the pupil will be most content and most efficient.

Broadly speaking, manual training has educational, economic and social significance and can not be considered apart from the general scheme of elementary education. The work in industrial arts in this portion of the syllabus is not defined in the narrow sense as being industrial training. It does not imply training for efficiency in some one specific occupation or industry. Given at 12 years of age it would not necessarily serve to increase appreciably the pupil's earning capacity or to shorten the period of apprenticeship; neither does it presuppose a choice of vocation.

However, it is entirely practicable in these grades to give such notions of leading industries as shall be of considerable assistance toward the proper selection of a particular line of vocational training or in the case of those destined for the high school and college toward the proper selection of a higher school.

The cultural values of construction work and drawing, when given a fair proportion of school time — for example, from three to five hours a week — are clearly of importance to all classes of pupils. The boy destined for a profession needs experience and knowledge that will make him appreciate the factors of industrial life. The one destined for a highly specialized industry ought to have an acquaintance with such other types as will show him his own in the proper perspective.

It is well to keep in mind the distinct differences between manual training, vocational and trade training. The first is for general education; the second is intended to make better elementary school provision for the vocational needs of those likely to enter vocational pursuits; the third gives special training along a definite industrial line or trade. Each has its place in the scheme of education.

The building of a course of study in manual training is something more than the mere collection of a number of problems. In general, any course in handwork dealing with any material should meet the following requirements:

1 It should assure and hold the interest of the pupil, finding problems adapted to the age and interest of pupils and to community needs.

2 It should insist on good technic and proper handling of tools.

3 It should be accompanied by a course in drawing.

4 It should be accompanied by a study of the materials and tools used in the course with their relation to industry.

5 It should develop personal initiative on the part of the pupil looking toward original invention or design either in method of construction, or ornamentation or use.

An extended list of objects is given under each grade but it is desirable to consult the child's wishes and to consider his needs. It may be better for him to learn how to set the glass in the henhouse than to make a telephone stool which he will

never use. Conversely, the child in the apartment where telephones are in abundance may find a use for the stool, while a broken pane of glass in a henhouse means nothing to him. The rural school must find means for the presentation of handwork from the agricultural standpoint. It is a mistake to extend to these schools the same industrial work which is practical and desirable in the city schools. Boys in the open country instead of devoting all of their manual training to woodworking exercises might well learn how to set window glass, to mix paint and whitewash, to temper tools, to sharpen saws, to make chicken coops, brooders, model gates and fences.

In any course in handwork the pupils naturally begin with certain "class models" by means of which the class can be taught as a whole and attain a certain degree of mastery of tools. However, these should be few in number. After a time those who show sufficient skill to justify undertaking individual projects should be allowed to do so for the desire to produce an independent piece of work acts as a strong stimulus. Even a class model need not result in mechanical uniformity, as there is a variey of design available in even the simplest model.

Personal ownership of the finished model is not necessary as an inducement to do good work. Many projects of value can be made which the city or town can use in its school supply department. Such contributions to the system readily awaken a new appreciation of school interest in general and of all public property.

Demonstrations showing use of tools and methods of procedure should be given before entire sections of the class conveniently seated so that they may see and hear all that is done and said. The keeping of a notebook should be encouraged.

Method of procedure. In laying out the work the following steps should be taken:

1 Make free-hand views and perspective sketches of the project — four points to be considered: (1) utility; (2) construction (joints etc.); (3) constructive design (shapes, proportions etc.); (4) finish and applied design.

2 Decide upon the most suitable sketch and figure proportions, then make complete working drawings and accurate perspective drawing of its appearance when completed. Make out the bill of material.

3 Make tracing on paper or cloth and blueprint when possible and practicable.

4 Make the object after considering carefully: (1) construction and technic — the strength of materials and action of atmospheric conditions, as swelling, warping etc.; (2) mechanics of structure — the joints and elements of strength as bracing, binding, holding etc.; (3) methods — technical procedure and system of working — cutting stock, laying out and cutting joints, order of operations and use of tools. Teach the mechanics and construction of tools.

5 Finish by staining etc. and applying decoration (if advisable).

To be of the greatest value both art and mechanical drawing must be correlated with the bench work. Free-hand sketching of the object as it will look when finished visualizes and makes clear the previous conception. Design beautifies and enriches the otherwise plain, if not ugly, product. A mechanical drawing which is absolutely essential to the production of the object presents in workable form the various necessary views from which the actual object is made. It should be carefully worked out before actual operations on the construction are begun.

Mechanical drawing. Mechanical drawing is essential in all phases of industrial work. It has two aims (1) to instil order, neatness and correct methods, (2) to give facility in reading quickly and correctly a working drawing. The ability to quickly and correctly sketch the decorative motive, the structural features and the completed object, free-hand, is also necessary to the good workman. In making a mechanical drawing the following points should be emphasized:

1 Laying out of sheets to sizes used in commercial practice
2 Correct margins
3 Correct position of drawings
4 Standard size and place for title, name and bill of stock
5 Correct lettering
6 Standard dimensioning and lines

The use of the drawing board, T square, 45° and 60° triangles, 12″ scale, compass, dividers, 4H or 6H pencil and thumb tacks should be definitely presented and the right method insisted upon. A drawing obtained from the drafting room of a local industry will assist in establishing correct standards of

drawing conventions. A *limited* number of geometric problems may be given that the use of the tools may be learned. However, it is better to start immediately upon the problems at hand and work out geometric construction as it appears necessary in developing the drawing or object. Thus the pupil will be led to appreciate the necessity for such construction and will remember it better.

There should be no fixed list of drawing plates unrelated to the handwork itself. Very likely the various pupils will be making different drawings. If the drawing principles are the same it were better so, for then there will be a direct relation between their drawing and their individual projects.

In planning and making the drawing the following order might be followed:

1 Rough perspective sketch of the object showing its main proportions and shape

2 Free-hand working drawing of necessary views with dimensions

3 Making of mechanical drawing in pencil, full size or to scale

4 Finishing drawing with dimensions, lettering, bill of material, etc.

5 If ability and age of pupil permit, inking in of pencil drawing, inking of tracing and blueprint can be permitted.

Meanwhile the child should have studied and should know:

1 The meaning of working drawing

2 The number of views necessary for the object which he is to make

3 The relation of the views to each other and the object

4 The meaning and use of a detail drawing

5 The meaning and use of a section drawing

Apart from woodwork, working drawings are quite as important and necessary in other lines of industrial art. Where the material lends itself to more applied decoration as in pottery, metal, leather and textiles, free-hand drawing and design have a larger part to play. Again, as in leather, metals, cardboard and other sheet materials the meaning and use of patterns or development should be given careful study.

SEVENTH YEAR

Suggestive outline for bench work in wood

Projects

1 Necktie rack
2 T square
3 Drawing board
4 Towel roller
5 Broom holder
6 Hatrack
7 Bookrack
8 Shoe box
9 Loom
10 Stationery holder
11 Wastebasket
12 Flower box
13 Bookshelves
14 Magazine rack
15 Negative rack
16 Printing frame
17 Jardiniere stand
18 Taboret
19 Footstool
20 Sled

Woods

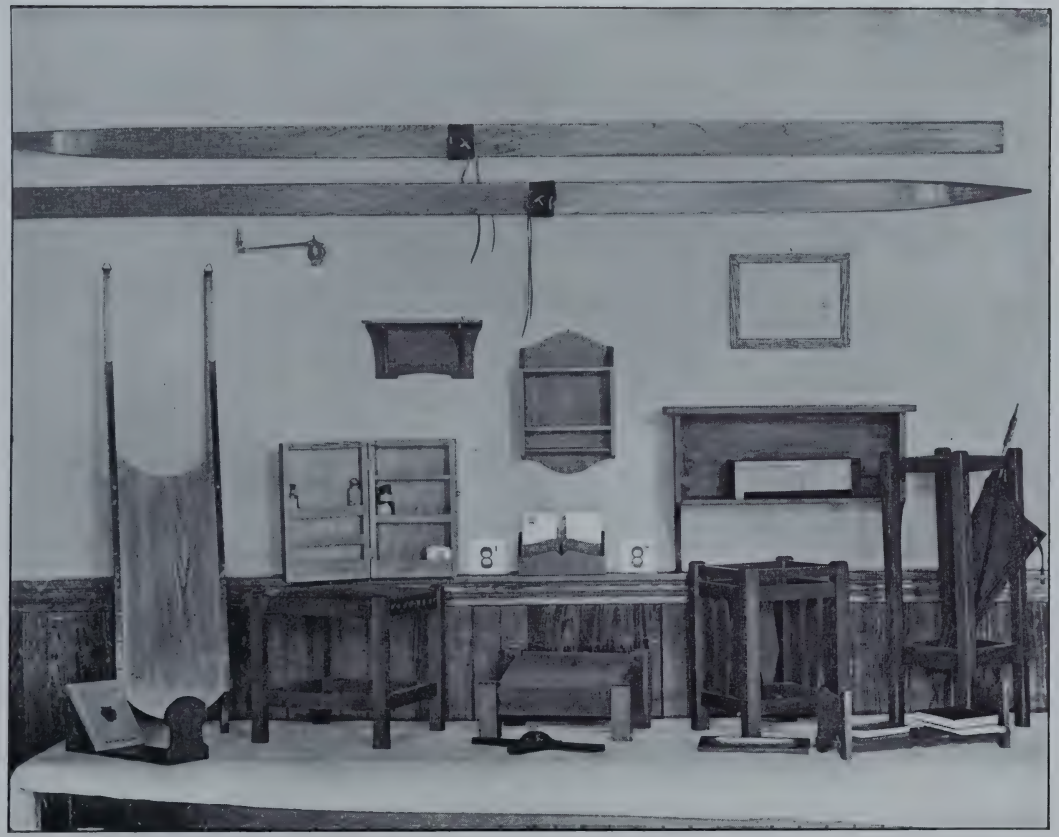
Pine
Oak
Ash
Chestnut
Gumwood
Mahogany
White wood
Butternut
Beech
Sycamore

Operations

The following processes will be considered in making the foregoing objects:

1 Measuring
2 Lining
3 Planing
4 Squaring
5 Gaging
6 Sawing
7 Chiseling
8 Boring
9 Gouging
10 Chamfer planing
11 Gluing
12 Nailing
13 Screwing
14 Varnishing
15 Shellacking
16 Scraping
17 Sandpapering
18 Staining
19 Sharpening tools
20 Grinding

ALBANY VOCATIONAL SCHOOL



ELEMENTARY SCHOOL WORK, SYRACUSE

Tools

The following list of tools will be needed together with some "general tools" such as clamps, hand screws, etc.

1 Rule
2 Knife
3 Marking gage
4 Jack plane
5 Smoothing plane
6 Block plane
7 Backsaw
8 Ripsaw
9 Crosscut saw
10 Chisels
11 Gouges
12 Spokeshave
13 Bitstock and bits
14 Drills
15 Counter sink
16 Screw-driver
17 Hammer
18 Files
19 Sandpaper
20 Scraper
21 Oilstone

Correlation and study

Topics for study are suggested by the various materials used as kinds of woods and their characteristics, glue, paints and stains; lumbering, ordering and getting out stock, figuring on work.

Such work is easily correlated with English, history, nature study and arithmetic. Excursions to neighboring forests, lumber camps, lumber yards, manufacturing plants and furniture salesrooms will furnish abundant interesting material for use in the writing of a theme or essay.

This readily brings about an understanding of the relationship between the various subjects, supplies interest in those which were uninteresting and gives the boy a broadening view of, and keen appreciation for, the vast industries of our country.

EIGHTH YEAR

Projects

1 Serving tray
2 Medicine cabinet
3 Taboret
4 Umbrella rack
5 Clothes rack
6 Picture frame
7 Chair
8 Desk
9 Bookcase
10 Table
11 Telephone stand
12 Telephone chair or stool
13 Revolving bookrack
14 Lawn settee
15 Workbench
16 Wheelbarrow
17 Hall seat
18 Snowshoes
19 Skees
20 Various articles used in science

Also work which involves repairing and "fixing" about the home:

1 Setting glass
2 Mending furniture joints
3 Mending chair backs and seats
4 Repairing pans etc.
5 Wiring electric bells
6 Making window screens
7 Making piazza gate
8 Making keys from blanks
9 Making chicken coop
10 Making brooder
11 Making incubator

Woods

Pine
Oak
Ash
Gumwood
Chestnut
Butternut
Mahogany
White wood (poplar)
Beech
Sycamore
Black walnut

Operations

Processes will be similar to those of the seventh grade with the following additional:

1 Rabbiting
2 Clamping
3 Doweling
4 Beveling
5 Jointing
6 Soldering
7 Glass setting
8 Wiring
9 Painting
10 Polishing
11 Caning

Tools

In addition to those used in the seventh grade will be

Rabbit plane
Clamp
Soldering iron
Putty knife
Glass cutter
Plyers

Correlation and study

The opportunity for study and correlation with other subjects is almost inexhaustible. Home necessities and conveniences, scientific appliances and mending devices are interesting topics for consideration and easily come under most general school subjects.

Writing an article or essay on an original scheme for making an incubator or mending a broken chair is the best and most vital kind of language work. It deals in actual experiences,

presents personal achievements and necessitates thoughtful, earnest thinking along interesting and at the same time practical lines. Such a paper would lead to historical research, scientific experiment, nature study and further original investigation.

Other materials and processes. These ought to be introduced in the handworking courses. Such courses are now too closely confined to woodwork. The later work may be valuable as far as it goes, but the woodworking trades now include no more than a tenth of the more desirable openings. A boy that fails to do good woodwork may yet have in him the making of a printer, electrician, plumber or draughtsman. Industry is now so varied that success or failure in any one line offers little evidence regarding one's probable success in others. Accuracy, neatness, order, initiative, skill and manual intelligence can be developed by the manipulation of tools and materials other than those now in use in our upper elementary grades.

Printing is a desirable form of industrial art work. It is an effective way of teaching spelling, punctuation and composition. It makes possible the application of border lines, lettering and spacing which is emphasized in the regular drawing syllabus. It develops neatness, orderly arrangement, taste and appreciation of color. Every school can make use of a great variety of printed matter and this is apparently the one point at which handwork may be carried on in continuous service of the school as a whole. It can be in so large a sense a regular industrial enterprise conducted by the school that it can give a peculiar sense of reality to the whole process.

Electricity as a factor in industrial arts is one which can not be ignored in any cultural or vocational survey of modern industry. It is constantly becoming a more significant factor in the fields of the leading industries. It demands a unique type of ability, both mental and manual — an ability frequently discovered in pupils whose progress in many other lines of industrial work is unsatisfactory. It is one of the industries in which a study by actual reproduction is most available, since the construction, alteration and operation of simple bells, motors, telegraph instruments, etc. is fully practicable at small expense in the usual school shop.

The softer metals such as copper, brass and tin are equally valuable in the industrial arts. Recognition of the possibilities

and the limitations of these mediums demands an added industrial intelligence and when used in connection with woodwork, add an interest in and appreciation for both materials. One is quite necessary to the other for constructive purposes, such as hinges, locks, draw pulls, clasps etc. These materials also have an important value in connection with electrical and mechanical projects.

Clay, as a medium, demands more consideration than has perhaps been given to it. The opportunity for good work in study of form and appreciation for color can be readily stimulated with this material. The amount and value of hand training in clay can hardly be overestimated, for hands must do it all; tools are secondary. It is a form of handwork appealing to girls. The chemical study concerned with glazing and firing is also worth considering, for unless the work is carried through from beginning to end half of its industrial and educational value is lost. Again, processes are found in this work which escape other materials such as scraping, incising of design, casting, baking, firing, wheel throwing, etc.

The use of textiles, growing out of the more formal study of sewing, is another material applicable in a handworking course for girls. The need for beauty in the home demands artistic work in textiles as well as art of the purely adorning nature. Good design and color schemes with the needle and silk and brush and stencil in curtains, table covers and linen, sofa cushions, hangings and other household necessities make this an important study in an industrial arts outline.

Leather cutting and tooling is another phase of handwork. The material is one that is readily handled and appeals especially to girls. By correlating the sewing of bags with leather construction, valuable as well as useful products may be made. Hides of various surfaces are being tanned for the express purpose of tooling or modeling and, as many small objects may be made from one skin, the cost is small in comparison to the peculiar educational value of working in such a medium. This form of work is also closely allied to bookbinding and is not to be confused with the simpler portfolio making of the earlier grades.

HOUSEHOLD SCIENCE

The making of a home involves economic, sociologic and ethical considerations, if the fullest interpretation is to be given to this social institution; while to achieve the best results there must be employed scientific and artistic methods of thought and work.

From such a viewpoint this portion of the syllabus has endeavored to group specific subjects under the title of "Household science," presenting them in a series of lessons adaptable to school purposes and particularly to girls, who as women are the natural managers of the household activities. To outline a definite course of study for a state as diversified as New York in nationalities, industries and economic conditions would be impracticable. This syllabus is merely suggestive of the subjects considered essential to any well balanced household science course. It assumes the endowment of common sense in the teacher in addition to a good special training in an approved institution on a foundation of at least a liberal high school education.

The elementary school has undertaken the responsibility of extending its work into the household science field that the benefit of such organized instruction may reach all women as a part of their general education. When such liberal training is widespread, then the public may expect the rational and justifiable in household procedure where we now have the haphazard and traditional. This much-to-be-desired condition of general understanding and appreciation of the dignity and interest attached to household activities will come about through a knowledge on the part of every school girl of the laws which interpret the processes and materials used in the home. Such knowledge will be secured to her by her experience during her school days with the utility of the products of her efforts. In addition to her individual satisfaction with such a training, a still more desirable human result will be attained in her becoming a more socialized woman. That is, there will be aroused in her a permanent interest in the organized industries with which the household industries are closely connected. The home sends out many workers into those industries, is depend-

ent on the products of such organized labor, and is vitally affected economically and socially by the conditions prevailing among the workers. In this interdependence and the relationships thereby established is the possibility for studying the ethical bearings of woman's work.

For the purpose of presenting a classification of the household industries which will be capable of expansion into further advanced courses of study as the need for them may arise, the following grouping is submitted:

I The industries connected with *food.* These supply the primary need of daily nutrition, and the secondary and accompanying one of human satisfaction.

II The industries connected with *clothing.* These contribute directly to protection and comfort, and increasingly to gratify the desire for decoration.

III The industries connected with *shelter.* These are essentially for protection and the maintenance of family life, and are directly conducive to the larger social life.

An adequate treatment of these industries would cover a whole system of education; in fact, education means one continuous and increasingly well ordered relationship with the body of knowledge and the activities involved in the sciences, arts and resulting philosophy of life which these three subjects of food, clothing and shelter comprehend and create. However, such a treatment is beyond the scope of this syllabus, which after thus calling attention to the dignity and magnitude of the relationships existing between the household and world industries, will confine its suggestions to the phases of these subjects possible of introduction into the present elementary school.

A word of reminder to the teachers of household science ought not to be omitted from the syllabus in pursuance of the desire in the State to promote a broad endeavor along the lines of adapting education to the broad and varied needs of its people. It rests largely with the teachers of these subjects to impress upon their students the inferences to be drawn from this work as to the economic and social values of processes and results, the ethics involved in points of view regarding work and workers, and the historic development of house industries leading to an intelligent interest in present conditions. The technical side of the work, which is too likely to be all absorbing to

both teacher and pupils, should be the means of introducing the young mind to the work and life of society of which it is an integral part and of which fact it should be made conscious. The results of such instruction in the elementary school should be an elevation in the standards of nutrition; a saner, more appropriate and artistic style of clothing; more comfortable and attractive homes; the attainment of maximum efficiency in women's activities at the minimum cost of energy, time and money.

The specific subjects, apart from the technical ones of cooking and sewing, which will contribute to the above general results in the life of the student and which can be handled in the elementary school, are first and foremost hygiene. This emphasizes wholesome surroundings as a result of cleanliness, and personal physical care, and takes the student and teacher into the field of physiology. The sources of food, clothing and shelter materials, their cultivation, manufacture and transportation are legitimately in the field of geography. Nature study will be particularly serviceable in connection with the structure, composition and cultivation of food stuffs. The development of all industries is intimately related to the history of people and countries if that phase of social life is studied as well as the political history. Arithmetic plays its important part in calculations, estimates, proportions and the keeping of accounts. In all the written as well as verbal work the English language is the medium used which furnishes a continuous opportunity for its improvement through correction and suggestion toward the attainment of concise and adequate expression.

Occasional tests are desirable for the purpose of ascertaining the pupils' grasp of a certain period or group of lessons and to develop their ability to organize information and profitably direct their efforts. These should be both written and practical work tests, presenting problems or situations to be worked out according to the students' understanding of the subjects under review. Freedom should be allowed in such tests that individual ability, initiative and interest may be shown in the results.

The following list of lessons is capable of expansion or contraction according to the local needs and possibilities. It gives an arrangement of subject-matter working from the comparatively simple foods to the more complex, and then to combina-

tions of food materials. Simple methods of analyzing the essential food stuffs are suggested that the student mind may be made aware of the field of chemistry beyond and with the hope that awakened interest may lead to further study.

The following topics should be covered in any well balanced course:

I Organization
Assignments, acquaintance with equipment, dishwashing

II Practice with measurements
Study of tables of weights and measures, and abbreviations

III The kitchen stove
Coal, wood, gas, oil, electricity; discussion of classroom housekeeping; discussion of food

IV Combustion
Air, composition, oxidization, products of combustion

V Study of water
Food and cleanser; cooking medium; uses in the body; beverages; personal hygiene

VI Fruit
Stewing, canning, preserving

VII Vegetables
Starchy and green; examination of structure; tests for composition

VIII Study of starch
Vegetables, grains, nuts; cooking potatoes and cereals

IX Milk and products
Properties; characteristics and uses; care of milk

X Eggs
Experiments with heat; methods of cooking; egg and milk combinations

XI Meat
Experiments to show structure and composition; effects of dry and moist heat; broiling; stewing; braising

ELEMENTARY SCHOOL WORK, NEW YORK CITY

ELEMENTARY SCHOOL WORK, NEW YORK CITY

XII Visits to markets
Demonstrations of cutting up quarters of beef

XIII Classification of foods
Uses to human body; digestion processes

XIV Introduction to combination of food materials
Leavening agents; air; eggs; gas

XV Air as leaven
Batters; graham gems; discussion of gluton

XVI Egg and air as leaven
Sponge cake; popovers

XVII Gas as leaven
Soda and acid; gingerbread

XVIII Baking powder
Composition; muffins

XIX Doughs
Biscuit; effect of fat on dough and batter

XX Yeast
Investigation of sponge and dough; bread

XXI Soups
Milk; meat; legumes

XXII Salads
Value as food; salad materials; dressing

XXIII Desserts
Light puddings; suet puddings; value as course in a meal

XXIV Preparation and serving of typical meals
Cost per plate; care of dining room

XXV Home nursing
First aid treatment; care of sick room; care of patient; invalid foods and trays

XXVI Household accounts
Simple bookkeeping; typical division of income

XXVII Housekeeping

Systematizing work; care of all house departments, i. e. cellar, living room, dining room, attic etc.; use of labor-saving devices; care of various house materials and tools

XXVIII Household sanitation

Examination of drains; necessity for cleanliness; ways and means; use of disinfectants

XXIX Cleansing agents

Removal of stains

XXX Care of bedroom

Order in work; necessity for light and air

XXXI Laundering

(*a*) Sorting and preparing clothes; treatment of water; uses of soap; bluing; starch. (*b*) Dampening clothes; value of unironed clothes; mangling; ironing

XXXII Recipes

Opportunity for recording observations and experiments by clear and adequate expression. Book of recipes for home use

XXXIII Reviews

SEWING

This title expresses only the processes employed in the construction of textiles into garments or articles for use in the household. Relatively speaking, this course of study is merely a fraction of what is possible in any complete study of clothing as one of the household industries. The course may well include a study of textiles from their origin in the four essential fibers to their completion in fabrics. It then may become a vital and interesting subject in its relation to the industrial activities of people and to the phases of life represented by other school subjects, particularly geography, history and art.

Geography deals with the nature of the regions supplying the vegetable and animal fibers with the cultivation of the raw material and its transportation. History will show the development of the textile industries, the effect on the life of the people working in them due to the inventions in weaving and spinning

machinery, and the increasing organization of their work into the factory system as a direct result of these inventions. In this connection may be discussed the subject of unions of workers and consumers, to bring out the idea that each organization is for the purpose of fortifying the individual's endeavor to produce and consume under the best possible conditions and with the best possible results. Art and design as a correlated subject to a study of textiles is apparent. To choose the beautiful in design and color and form in the things in the home and elsewhere, in association with persons, requires training along art lines, particularly to those who are not fortunate enough to live in an atmosphere of beauty.

The specific aim of a sewing course should be to interest the students in their work by relating it to their home, school and community life, that their resulting application may accomplish for them facility in technic and a high standard of excellence in the product.

Interest in textiles can be aroused in the youngest school children and can be made continuous throughout an entire school course, so many and varied are the aspects of the subject. From the making of mats by the crudest hand-weaving process to the highly specialized tools used in handling elaborate materials, the field of textiles is not overstepped. Such an extensive subject has many possibilities for program making. The home is fertile with suggestions for articles both useful and beautiful to make up the list of products as the outcome of a sewing course; the school will furnish its share of suggestions; while a large number of community utilities are possible in the needs of institutions, public and private, which repeat the home needs on a large scale but supply the altruistic motive to the students in their work.

Illustrative material can be obtained very often free of charge from manufacturing establishments, which will greatly aid the teacher in explaining the manufacture of sewing tools and in showing the growth and manufacture of fibers into fabrics. Processes of dyeing and printing should be understood by students to give them a basis as consumers for the selection of suitable and durable material for their purposes. Color, form and proportion are embodied in every article made and extend the interest of a sewing course without limit other than the teacher's ability. Emphasis on these aspects of the textile subject will not only

train good workers through a knowledge of the use of tools and the control of the processes in the making of articles, but will educate women in the choice of proper clothing and furnishing for all occasions, and of good material of pleasing color and design for the money expended. Thus purchasing will become a matter of taste and economy. The reaction on the manufacturer's output is sure to be apparent when knowledge and taste are a common possession of consumers.

The sewing course as such should be preceded in the primary grades by knotting, braiding, netting, beadwork, knitting, crocheting, basketry and weaving, through which the children are introduced to simple tools and coarse fabrics suitable to their undeveloped hand muscles. Manipulation of these materials into the variety of articles they are capable of forming is continuously interesting to girls. This work also gives opportunity for establishing habits of industry and for accomplishing work under the proper conditions of light and correct positions for comfort and physical well-being.

Sewing lessons

Making of simple articles using
- Blanket stitch, basting and running stitches
- Comparison of textiles, considering weaves and color
- Furnishing of doll's house

Articles requiring
- Cross and chain stitch, backstitching and stitching, making letters and simple designs for articles selected
- Textile study in spinning and weaving
- Weaving of rugs, as cooperative school work

Articles requiring
- Hemming, couching and overhanding stitches
- Designs for applique work
- Crocheting and upholstery

Articles using
- Feather stitch, herringbone and Kensington stitch
- Simple embroidery of previously made designs

Simple construction of articles using
- French seam, placket, bands, buttonholes

Textile study — comparison of fibers
Clothing studied from health and purpose standpoint
Knitting

Repairing and renovating
Patching and darning
Removal of stains
Sponging and pressing of material
Economy in buying and cutting

House furnishing to attain order, economy, service and beauty
Linens — dining and bedroom supplies
Blankets, quilts, couch covers
Rugs and table covers
Design, color, material in varied household adaptations

Garment making, introducing machine work and practice in large and rapid construction

Aprons, undergarments, house dresses

COMMERCIAL AND INDUSTRIAL GEOGRAPHY

Seventh and eighth years

It is to be expected that the study of industrial geography will concern itself with the geographic influences which modify the particular trade for which the student is preparing. Quite as important, however, to every worker, is a knowledge of the geographic influences which condition his food supply, his clothing and his shelter. In the study of these three fundamental needs, as well as in the study of his chosen trade, the following points should receive consideration: (1) raw materials and the chief sources of supply, (2) methods of manufacturing and the location of manufacturing centers, (3) methods and the chief routes of transportation.

It is, of course, impossible in such a syllabus as this to outline courses of study in geography for all or for even a large number of the trades in which it is hoped that instruction will be offered. The working out of the details of such courses must be left to the teachers who have charge of the individual schools. As an outline of what may be done in these two years in the study of the geography of food, clothing and shelter, the following course is offered merely as a suggestion:

SEVENTH YEAR

I Man needs for his comfort and happiness
- 1 Food
- 2 Clothing
- 3 Shelter

II These vary in character with differences in climate and with other conditions over which man has but little control.
- 1 Contrast by picture and description the lives of the Eskimos, Lapps and Finns, with the lives of the Arabs and Kirghiz.

III The specialization of labor and the development of commerce among civilized peoples have tended to remove the limitations imposed by the immediate environment.
- 1 In this connection point out the different parts of the world which are laid under tribute to furnish the raw material of a single meal, the clothing of a single family, or the construction and furnishing of a single building.

IV This specialization of labor has brought about the development of great industrial regions, as:

1 Agricultural
2 Manufacturing
3 Grazing
4 Fishing and hauling
5 Lumbering
6 Mining

Maps showing the division of the United States, the home state, and, perhaps, some of the leading countries of the world into their chief industrial regions, should be shown and worked over until the students are familiar with these regions and understand the reasons why they are so distributed.

V In the large industrial regions there is a further specialization of industry as shown below.

1 Agriculture in the United States
   a Wheat growing in the north central section
   b Corn growing in the middle central section
   c Cotton growing in the south central section
   d Rice growing in the southeast section
   e Fruit growing in favored localities
   f Market gardening along the eastern coast and near large cities

2 Manufacturing in the United States. Chiefly concentrated in the northeastern section, the states ranking as to value of products as follows: New York, Pennsylvania, Illinois, Massachusetts, Ohio and New Jersey
   a *Food and food products*
      (1) Slaughtering and meat packing. Illinois is by far the most important state, although Kansas, Nebraska, Missouri and Indiana are also important.
      (2) Milling. Widely distributed, but developed most extensively in Minnesota, with New York second in importance.
   b *Textiles*
      (1) Cotton manufacture. Distributed through the New England, Middle and Southern States. Developed chiefly in Massachusetts.
      (2) Wool manufacture. Massachusetts, Pennsylvania and Rhode Island are the leading states.

(3) Silk manufacture. New Jersey, Pennsylvania, New York and Connecticut are the leading states.

(4) Combined textile manufacture. Distributed through the New England, Middle and Southern States.

(5) Clothing manufacture. New York state outranks all other states.

c *Iron and steel.* Chiefly located in Pennsylvania, with Ohio and Illinois next in importance.

d *Lumber and manufactures employing lumber.* These industries are naturally centered in regions now or but recently forested and include most of eastern United States and part of the extreme northwest. These industries have reached their greatest importance in the following states: Wisconsin, Michigan, Washington.

e *Boots and shoes.* The leading state in this industry is Massachusetts with New York a poor second.

3 Grazing and the raising of cattle, sheep and swine in the United States

a On the great ranches and ranges of the West

b On the smaller farms in the East

4 Fishing in the United States

a Cod fishing on the banks of Newfoundland

b Oyster fisheries along the eastern coast

c Salmon fisheries, northwestern coast

d Seal fisheries among the Aleutian islands

5 Lumbering in the United States

White pine in the northeastern, north central and northwestern sections

Yellow pine in the southeastern section

Hardwoods along the Appalachians

Redwood in California

6 Mining in the United States

a Iron. Mines

(1) Michigan, Minnesota and Wisconsin

(2) Alabama

(3) Pennsylvania

b Coal. Mines

(1) Soft or bituminous coal

(*a*) Pennsylvania, western part, West Virginia and Ohio

ROAD TYPE — MORGAN

(*b*) Western Indiana, Illinois and eastern Iowa
(*c*) Eastern Kentucky, Tennessee and Alabama
(2) Hard or anthracite coal
Eastern Pennsylvania

c Copper
(1) Michigan
(2) Arizona
(3) Montana

d Gold
(1) California
(2) Colorado
(3) Alaska

e Silver
(1) Colorado
(2) Montana
(3) Nevada

VI Further subdivision finally leads to the development of particular trades. As has been said, it is impossible within the limits of this syllabus to outline such courses. The work already done, however, leads logically at this time to a geographic distribution of the raw materials of the chosen trade. When the raw material of the trade is the manufactured output of another or of several other trades, the problem becomes more complicated. Transportation becomes important, and, to a certain extent, there must be a study of markets as well as of the previous processes of manufacture.

1 Raw materials of chosen trade

a Sources of supply
(1) If manufactured, where and how?
(2) If unmanufactured, how is material obtained?

b Methods and routes of transportation
(1) Why chosen

c If imported
(1) Why?
(2) Dutiable or not, and why?

d If a home product
(1) Is it protected by duties upon similar imported goods, and why?
(2) Is it unprotected by duties?

2 Manufacture
- *a* Local industry. What influence upon its location have any or all of the following?
  - (1) Sources of raw material
  - (2) Available power
  - (3) Market
  - (4) Transportation facilities
  - (5) Abundance of labor
  - (6) Climatic influence
- *b* Similar industries as developed elsewhere, especially in important industrial centers, and as influenced in their location and growth by (1) to (6) under *a* above, or by other calculable influences
- *c* Processes
  - (1) As used locally
  - (2) As used elsewhere
  - (3) As influenced by the nature of the raw material
  - (4) As influenced by the nature of the product desired
- *d* Influence of legislation upon the industry
  - (1) Through duties upon raw material
  - (2) Through duties upon similar manufactured goods imported from foreign countries
  - (3) Through bonuses or subsidies
  - (4) Through child labor laws
  - (5) Through protection afforded to workmen
  - (6) Cost and convenience of transportation

VII Distribution of food materials in the United States

1 Grains and vegetables
- Wheat
- Corn
- Rice
- Potatoes
- Fruits
- Products of market gardens

2 Meat, fish and poultry
- Cattle
- Sheep
- Swine
- Cod fish
- White fish

Salmon
Oysters
Hens and hens' eggs
Turkeys
Ducks

3 Sweets and beverages
Maple sugar
Cane sugar
Beet sugar
Coffee
Tea

NOTE. The distribution of these should be shown upon a series of maps and should be studied, not alone as to their own distribution, but also as to the conditions which cause and limit their distribution.

VIII Distribution of food materials in other important countries

IX The study of an individual grain (wheat)

1 Distribution of the world's great wheat fields
a In the United States
(1) North central section, including Indiana, Illinois, Minnesota, North and South Dakota, Wisconsin, Kansas and Nebraska
(2) Western section, including California, Oregon and Washington
(3) Eastern section, including the New England and North Atlantic States
(4) Southern section. Texas
b In foreign countries
(1) Russia
(2) India
(3) France
(4) Austria-Hungary
(5) Canada
(6) Argentine Republic

2 Conditions of cultivation
a Soils suited to its cultivation and their influence upon the character and varieties of the grain
b Climatic conditions suited to its cultivation and their influence upon the character and varieties of the grain
(1) Temperature, range and length of growing period
(2) Amount and distribution of rainfall

c Methods of cultivation suited to different soils, rainfalls, and varieties

d Economic conditions

(1) In the United States, cheap land and scarcity of labor have led to the development of much machinery and large acreage, but have worked against intensive cultivation.

(2) In India, cheap labor

(3) In Russia, poor methods of cultivation and limited output

3 Conditions of harvesting

a Reaping (evolution of the process)

(1) The sickle

(2) The cradle

(3) The reaper

(4) The reaper and binder

(5) The header

b Threshing (evolution of the process)

(1) Trodden out on threshing floors by animals

(2) The flail

(3) The threshing machine

4 From field to market

a Transportation

(1) From farms to railroad

(2) The grain elevator for storage

(3) By rail to points of concentration for transshipment or manufacture

(4) Methods of handling the grain in loading and unloading

(5) Shipment east and abroad

(*a*) East in bulk by the Great Lakes in huge "whalebacks," or by trainload. Abroad in huge steamers

(*b*) In its manufactured state, as flour

b Location of centers for concentrating and distributing the grain, and the reasons for their location

(1) Duluth

(2) Minneapolis

(3) St Louis

(4) Chicago

(5) Buffalo

(6) New York

(7) San Francisco

(8) Portland

5 Manufacture
- *a* Process
  - (1) Purification of the grain
    - (*a*) Winnowing
    - (*b*) Washing
  - (2) Grinding (evolution of the process)
    - (*a*) The mortar and pestle types (primitive)
    - (*b*) Grinding between rough surfaces, one of which is usually stationary
    - (*c*) Crushing or mashing between rollers (the roller process)
  - (3) Bolting
    - (*a*) Bran
    - (*b*) Middlings
    - (*c*) Flour
  - (4) Bagging
- *b* Types of mills
  - (1) Custom
  - (2) Merchant
- *c* States which lead in the manufacture of flour and the reasons therefor
  - (1) Minnesota
  - (2) Ohio
  - (3) Illinois
  - (4) Indiana
  - (5) New York

6 Marketing
- *a* The home market
  - (1) From the mill to the home
  - (2) The local supply
- *b* Great Britain and Ireland

NOTE. It is not expected that the outline for the study of wheat given above will be followed exactly as given, or that all of the details suggested or implied will be worked out. It ought, however, to prove suggestive and serve as a model for similar outlines for the study of the other important food materials.

EIGHTH YEAR

The work of the seventh year dealt chiefly with the geography of the individual trade and the geographic conditions influencing the production, preparation and marketing of foods. Of man's

fundamental needs there remain to be considered the geographic conditions which influence clothing and shelter. It is, of course, obviously impossible to outline these two topics fully. It will, therefore, be necessary to do as was done in the preceding year: show the general conditions which influence the character of the clothing and shelter which men make use of in different parts of the world, and then give a detailed study of the raw material and manufacture of some one of the clothing materials and of a common form of shelter.

Clothing

I All civilized people clothe themselves. The material used, the amount of clothing, and the nature of the garment, all show great variations among the different races, but only those who are very low in the scale of human progress are content to go unclothed even where the climate would permit.

II Among the more primitive peoples the garments are few in number, of very simple construction, of a practically universal pattern and are generally made out of materials which the environment furnishes.

III The nature of the garments used is to a large extent determined by climatic conditions. A change from one season to another means usually a change in the nature and amount of clothing. A change from one latitude or altitude to another brings climatic changes and a corresponding change in clothing.

IV Since ancient times clothing has been used as a means of ornamenting the body, as well as a means of rendering it comfortable. For that reason the more civilized peoples manufacture and make use of a great variety of materials, of many colors and weaves, as well as of many ornaments used upon the head and hands, about the neck or fastened to the garments.

V Clothing has also come to have a religious and social significance depending upon material, color, or cut, or any two or all three of these.

VI The materials used for the manufacture of clothing are of vegetable or animal origin and include the following as the most important:

1 Materials of vegetable origin
   a Cotton
   b Flax
   c Hemp

d Grasses in great variety
e Caoutchouc, or India rubber

2 Materials of animal origin
a Wool from the
(1) Sheep
(2) Goat
(3) Alpaca
(4) Camel
b Silk
c Leather made from the hides of a great variety of animals, the most important of which are:
(1) Cattle
(2) Sheep
(3) Goats
(4) Horses
(5) Swine
d Furs. The skins of a great variety of animals living almost exclusively in the temperate and cold parts of the world. As a general thing it may be said that the finest furs are those which come from the colder regions.

VII The preparation of clothing from these raw materials involves their collection or growth, their manufacture or preparation and their marketing. It frequently happens that different kinds of raw material enter into the manufacture of a single fabric.

VIII The study of an individual clothing material (cotton)
1 Distribution of the world's great cotton fields
a In the United States. The southeastern section, including Texas, Georgia, Mississippi, Alabama, Arkansas, the Carolinas and Louisiana. Of these the first named state is the most important, often producing nearly one third of the total crop.
b In foreign countries
(1) India
(2) Egypt
(3) Brazil

2 The nature of the plant
a Usually cultivated as an annual
b Plant varies in hight, but is kept under cultivation as a low shrub.
c Cotton itself consists of tufts of fibers around the seeds.

3 Cultivated varieties and their characteristics
  a Uplands. Grown both in the old world and in the new, but reaching its best development in the United States and commonly called American cotton.
    (1) It has a fiber of medium length.
  b Sea island. This variety furnishes the finest, longest and strongest fibers, and is highly prized.
4 Conditions of cultivation
  a Climatic conditions
    (1) Very sensitive to frost, needs a long growing season, with even, but not excessive, temperature.
    (2) Bright sunshine
    (3) Should be abundant, but not *excessive* supply of moisture during growing season.
  b Soil conditions
    (1) Cotton may grow upon a great variety of soils, depending somewhat upon the amount and distribution of the rainfall.
    (2) Soils rich in lime have been proved by experience to be excellent cotton soils under proper climatic conditions.
  c The use of fertilizers necessary
    (1) Compare soil exhaustion by
      (*a*) Fiber
      (*b*) Seed
    (2) Cotton-oil cake
  d In India
    (1) Grown on the plateau back of the western ghats and in the northwest provinces and in the Punjab, by irrigation
    (2) High temperature during early growing period
    (3) The black cotton soil
  e In Egypt
    (1) Chiefly grown in the irrigated districts of Middle Egypt and on the delta
    (2) Plants flooded by irrigation from time to time
    (3) Abundant sunshine
5 Harvesting the crop
  a Picked by hand
  b Cleaned from the seeds by ginning
  c Pressed into bales for shipment
  d The by-products
    (1) Cotton-seed oil
    (2) Cotton-seed cake

6 From field to market
  a Transportation
    (1) When possible by boat. Hence, ginhouses are usually on banks of stream.
    (2) Points of concentration of the crop and why?
    (3) Some of the crop retained in South for local manufacture.
    (4) Much shipped to Northern mills
7 Manufacture
  a Processes
    (1) Spinning (evolution of the process)
      (*a*) Distaff and spindle
      (*b*) Spinning wheel
      (*c*) Spinning jenney
      (*d*) Throstle
      (*e*) Mule
    (2) Weaving
      (*a*) Ring frame spindles
      (*b*) Hand loom
      (*c*) Power loom
    (3) Mercerization
    (4) Dyeing and finishing
  b States which lead in the manufacture of cotton and the reasons therefor
    (1) Northern district
      (*a*) Massachusetts
      (*b*) Rhode Island
      (*c*) Pennsylvania
      (*d*) New Hampshire
      (*e*) Connecticut
      (*f*) Maine
      (*g*) New York
    (2) Southern district
      (*a*) South Carolina
      (*b*) North Carolina
      (*c*) Georgia

IX The fabrics when woven are sold to the trade and through processes of distribution come ultimately:
1 Into stores, where they are sold for domestic manufacture.

2 Into great factories, where the so called "ready-made" garments are manufactured.

NOTE. The evolution of the factory system of manufacture is an extremely fascinating study and should be brought in at this point in connection with the study of some one of the several industries which are to be taken up. In doing so, the laws which relate to hours, age of workers, safety and health devices should receive due consideration.

X The development of the clothing manufacturing industry has been along most interesting lines of specialization and localization, which are well worthy of critical study in all fields of clothing manufacture, including among many others:

1 Undergarments
2 Hosiery
3 Hats
4 Boots and shoes
5 Collars, cuffs and shirts
6 Ready-made clothing

In this grade, as in the seventh, it is worth while to note that the outline above is intended merely as a suggestion of what can and should be done. It need not be followed closely if something better or more helpful can be worked out. The other clothing materials should have as full treatment as their importance warrants, after which a brief study of the shelters which men build should be undertaken. Whenever the special trade for which the student is making preparation is related to any topic under discussion in the work done on food, clothing and shelter, that relation should be pointed out and considered carefully.

Shelter

I The homes which men build vary chiefly with:

1 Their civilization
2 Climatic conditions
3 Nature of the material which may or must be employed

II Civilized races have brought the art of building to a high pitch of perfection. Humble dwellings at the present day have conveniences which kings' palaces lacked not many generations ago. In this connection notice should be taken of the use of steel.

III Among primitive peoples who are out of touch with civilization and its vast system of manufacture and transportation, dwellings are most often simple in character and built out of materials easily obtained and manipulated.

1 Snow hut of the Eskimos
2 Tepee of the Indians
3 The more elaborate tent of the Kazaks

IV Dwellings in rural districts may now be and many are built to be heated by steam or hot water, lighted by gas, sewered into some septic tank removed from the house, supplied with running water and brought into communication with the outside world by the telephone and rural free delivery.

V In the modern city, except upon remote streets in the suburbs, all of the conveniences mentioned in IV above are nearly always found. In addition systems of fire and police protection are provided, streets are kept clean, garbage is collected and systems of rapid transit of various sorts connect all parts. What are the local systems?

In the business parts of the city especially only such buildings may be erected as comply with the building code. This code is designed to guard against fire and other dangers, and it exerts a great influence upon the choice and use of building materials. The local building code should be obtained and studied briefly.

VI Climatic influences are often seen in the style of architecture. Heavy rains frequently mean steep roofs. Light or no rains and abundant sunshine often mean flat roofs and open courts. Cold means heavy walls, tight fitting and often double windows. Warmth means light construction, latticed and shuttered openings, every provision for free circulation of air, and abundant airy porches.

In concluding this work on dwellings, it would be well to study a typical small house or apartment such as would be occupied by an industrious workman in the locality where the student lives. Such study should include (1) the tracing of the materials which have entered into its composition from forests, field or mine to their incorporation in the building; and should consider (2) the convenience, safety and healthfulness of life and such surroundings when compared with life as it was lived but a few generations ago by the same class of workmen, as well as (3) show how all of the prod-

ucts of the world, in the way of food and clothing have been made available by the cooperation of men. If time permits, this line of thought would lead up to a specialized study of transportation and a detailed examination of the world's great markets.

SUGGESTIONS TO TEACHERS

In order to carry out successfully the work which is planned for these grades, many maps and diagrams must be used. Most of these will have to be constructed or enlarged from small ones by the teacher. The United States census reports and bulletins contain an abundance of such maps and diagrams, especially the Statistical Atlas. When the diagram itself is lacking, these census reports furnish the statistics from which the diagrams may be constructed.

The students should be taught not only to use, but to construct diagrams and maps for themselves. For that purpose outline maps may be furnished for their use. In no other way can the teacher be so sure that the student is grasping the significance of the matter under discussion.

The most valuable documents which the teacher can use for this work are the reports and special publications of the various departments and bureaus of the United States and the state governments. In addition to these there are many textbooks and magazine articles treating special phases of the work, to which the teacher will undoubtedly have easy access.

SPECIAL AGRICULTURE

SEVENTH AND EIGHTH YEARS

This course proposes to furnish vocational training in agriculture for the schools located in the open country in as definite and purposeful a manner as similar training in industrial lines has been provided in the syllabus for the city schools.

The systematic teaching of agriculture is not to be confounded with nature study. All nature study is not agriculture, but all true agriculture must be nature study. In the introductory paragraph of the nature study syllabus it was stated that for grades 7 and 8 the key word was *utilization*—"how the object may be utilized as an economic factor in its relation to man." The time limits imposed by the latter syllabus prevent any large and varied selection of work in agriculture proper, but with increased time and with a teacher who has had special training it is possible to do something worth while from the economic and vocational standpoint. It must be remembered that agriculture is the art of producing from the soil, and the instruction in these grades must appeal specially to the motor activity of the child. He will learn by doing; he can not learn through mere instruction from a textbook.

During the first six grades the nature study should develop in the child the spirit of a naturalist—an all-round interest in the outdoor objects. At the end of this period, if properly taught, the child will have an interest in natural forces and the phenomena of natural objects; he will have acquired a spirit of inquiry and accuracy in observation; he will begin to realize a kinship of outdoor objects and the possibilities of interest and resource in them. In the seventh and eighth grades he is ready for the more intensive and specific vocational work, and this may well be called "agriculture." This instruction ought to lay the foundation of vocational efficiency and should arouse a set of agricultural interests that will demand for their fulfilment a further study of agriculture in a higher school.

But little may be expected in the way of agricultural education in schools having but one or two teachers. To be sure, a limited amount of nature study and handwork for both boys and girls may be given, but if the subject of agriculture is to be taught successfully in the seventh and eighth grades it should be presented by one who has received special training. The teacher of agriculture

ought to know his subject as thoroughly as the teacher of history or language. The teaching of the science and art of agriculture requires something more than the qualification of being brought up on a farm or acquiring such knowledge secondhand from a text-book.

It is not feasible to attempt to follow this portion of the syllabus unless the school has at least four or five teachers, one of whom is prepared to teach the elements of agriculture and manual training. Very much more in the field of vocational training can be accomplished and the making of a school program simplified, if the girls are instructed in household arts by a trained teacher of this subject while the boys are doing the field and laboratory work in agriculture.

The time devoted to this course will necessarily vary in different schools. An average of not less than 3 hours a week during the two years will be required to make the course effective.

It is not necessary to have special buildings or rooms in which the classes in agriculture are taught. If there is an academic department in the building its laboratories can be utilized. Several small microscopes will be needed, weighing scales, drying oven, bakers, earthen plates and jars, cans, wooden boxes and a few soil thermometers; several sharp knives, shears, grafting knife, pruning knife and other small tools. Some of the apparatus can be made by the pupils in the manual training shop.

If possible, a room should be provided in which samples of various agricultural products can be exhibited and used for class-room purposes. A plot of land of sufficient size for experimental work can easily be rented either adjacent or near to the school proper.

Too much emphasis can not be placed upon a vital connection between the school work and the home life of the pupils. The farms in the vicinity can be used as a part of the laboratory facilities. Children should go to these farms for observation study of crops, horticulture and live stock. Many valuable lessons may be presented and taught outside of school hours. By all means, the older pupils, in company with teachers, should attend the county fair in order to familiarize themselves with the judging of live stock, fruits and grain. Pupils and teachers should improve every opportunity to attend local farmers institutes and grange meetings. Teachers may well invite practical farmers to present instructive farm exercises — for example, treating oats for smut, potatoes for scab, spraying methods, etc.

A well arranged, up to date textbook should be adopted as the basis for the work. Instruction in the classroom must be supplemented by outdoor work with soil, plant and animals, both at school and at home.

Schools that undertake this work should be in close communication with the State Agricultural College at Ithaca. Teachers and students should read and study the nature study leaflets, reading course bulletins for farmers and farmers' wives, and other agricultural bulletins issued by the institution. Teachers should also communicate with the United States Department of Agriculture asking for climate and crop reports for New York State and obtain bulletins of information on special topics in which the children may become interested.

All instruction should be fitted to the immediate agricultural needs of the different localities. For example, orchard fruits are the distinctive products of some counties; dairying products in other counties, etc.

Wherever possible, the teacher will correlate the work in agriculture with the other studies of arithmetic, geography, language and drawing. [*See* syllabus on these subjects]

A suggestive outline

Adapted from Circular 60 of United States Department of Agriculture

I Plant production

1 Plant life

a Structure

b Physiology — including such topics as how plants feed and grow — their reproduction by seeds, bulbs, cuttings, grafts and buds

c Seeds — tracing their life history from seed to seed, noting pollination, crosses, hybrids etc.

2 Soil and climate

The environment of the plant depends upon the soil and the climate. Study the best varieties for local cultivation. Under the study of Climate and its relation to plant growth we have

a Light

b Heat

c Moisture

d Air

Under the topic Soil we have

a Nature, function and origin

b Properties, including light, heavy, porous, impervious soils, etc.

c Classification into sand, loam, clay, peat and slit

d Management through tillage, drainage and irrigation; enrichment by means of manures and commercial fertilizers; impoverishment and means of restoration

3 **Farm crops**

a Classification — cereals, grasses, legumes, tubers etc.

b Leading crops of community for special duty, with their place in the above classification

c Culture of these crops, including preparation of soil, selection and testing of seed; planting and cultivating

d Protection from pests including weeds, diseases, insects, birds and mammals

e Harvesting

f Marketing

II Animal production

This is divided into (1) types and breeds, and (2) care and management. With reference to types and breeds we have

1 Horses, cattle, sheep, swine, poultry and bees. A special study should be made of one or two of the leading breeds of each type represented in the locality.

2 With reference to the care and management of animals, we have

a Feeding, including food requirements of different animals and for different purposes, with some school exercises in compounding rations suitable to these animals and their environment

b Hygiene, including water supply, exercise, shade; the ventilation and cleanliness of inclosures

c Preparation for marketing of animals and their products

III Dairying

1 **The dairy cow,** including a more intensified study of the dairy type than was given under the heading Animal production

2 **Milk**

a Composition — its determination

b Handling, including cleanliness, straining, aerating and cooling with its relation to the souring or tainting of milk

c Uses — for direct consumption, for condensing, for cheese making, for butter making. Under each of these subdivisions certain points like preparation for marketing, etc. need to be considered.

IV Farm economics

1 **Farm accounts,** including feed, milk, crop and feeding records. Inventories and bookkeeping [*see* syllabus on arithmetic]

2 Marketing, including preparation for market, transportation, method and cost of sale [*see* syllabus on industrial and commercial geography]

Study the relation of the farmers to local and general industrial and commercial organization — cooperative efforts, etc.

V Farm mechanics

1 **Manual training** [*see* syllabus on manual training]

Include some work in harness repairing and so called "rough" carpenter work

2 **Mechanics** — including study of the mechanical movements of such farm machinery as binders, mowers, threshers, harrows etc. Care and housing of this machinery

3 **Farm buildings and accessories,** including farm plans, size and location of fields, estimates of materials used in buildings and inclosures [*see* syllabus on mechanical drawing and arithmetic]

VI Domestic economy

1 Food materials and food [*see* syllabus on domestic science]

2 Textiles for wearing apparel and decoration [*see* syllabus on sewing and drawing]

The administration of the household and the training of those who are responsible for its wise management need to be on as scientific a basis as is expected in the case of men and boys who are engaged in productive labor in the barns and fields.

ADDITIONAL SUBJECTS FOR SPECIAL STUDY

The care of books. (All grades. For suggestions, *see* Handbook 30 on *Care of School Equipment,* pages 18 to 21)

The use of reference books

Outline of topics

Dictionary. (Grades 4 to 8. A work of medium size would be most suitable for the younger pupils.)

- Alphabetical arrangement
- Spelling
  - Capitals
  - Hyphens
- Pronunciation
  - Division into syllables
  - Diacritical marks
  - Accent
- Definitions
- Abbreviations

Table of contents. (Grades 6 to 8)

Simple index. (Grades 6 to 8)

Atlas: how to find places by means of index. (Grades 7 and 8)

Cyclopedia: how to find subject-matter. (Grades 7 and 8. Some concise or elementary work would be most suitable for elementary schools.)

MUTTON TYPE — SHROPSHIRES

Courtesy of Dr G. Howard Davison, Millbrook, N. Y.

Copyrighted by American Sheep Breeder Co., Chicago

MUTTON TYPE — SHROPSHIRE

Courtesy of Mr Henry L. Wardwell, Springfield Center, N. Y.

INDEX TO ASSEMBLY DOCUMENTS, 1910.

	Doc. No.
Adjutant-General, annual report	27
Advisory Board of Consulting Engineers, annual report	4
Agricultural and Industrial School of Industry, Monroe county, annual report	51
Agriculture, Commissioner of, annual report	25
Alaska-Yukon Pacific Exposition, report of legislative committee to	26
Albion, Western House of Refuge for Women, annual report	37
American Scenic and Historic Preservation Society, annual report	60
Architect, State, annual report	23
Assembly, list of members	1
bills, supplemental index	71
committees, list	6
Batavia, New York State School for the Blind, annual report	12
Bath, Soldiers and Sailors' Home, annual report	7
Bills, Assembly, supplemental index	71
Boards, commissions and departments, *see specific names of.*	
Canals, report of Advisory Board of Consulting Engineers	4
report of Comptroller on expenditures on	63
report of Superintendent of Public Works	20
Central New York Institution for Deaf-Mutes, annual report	14
Charities, Fiscal Supervisor, annual report	44
Civil Service Commission, annual report	24
Commissions and departments, *see specific names of.*	
Committees, list	6
Commutations granted by Governor, statement of	68
Comptroller, State, annual report	3
report on expenditures on canals	63
special report on municipal accounts	69
Consulting Engineers, Advisory Board, annual report	4
Cooper Union for Advancement of Science and Art, annual report	21
Cornell University, New York State Veterinary College, annual report	18
Council, executive minutes, report of State Historian	67
Courts of Inferior Criminal Jurisdiction in Cities of First Class, final report of commission to inquire into	54
Craig Colony for Epileptics, annual report	8
Crime, statistics of, report of Secretary of State on	31
Custodial Asylum for Feeble-Minded Women, Newark, annual report of managers	11
Departments, *see specific names of.*	
Education Department, report	29
Elections, Superintendent of, annual report	17
Elmira State Reformatory, annual report	48
Engineer and Surveyor, State, annual report	22
Escheated lands, annual report of Commissioners of Land Office relating to	41
Excise, State Commission, annual report	57
Fire Island State Park, annual report	33
Fiscal Supervisor of State Charities, annual report	44
Forest, Fish and Game Commission, preliminary report	35

	Doc. No.
Governor, message	2
statement of pardons, commutations and reprieves granted by	68
Highways, State Commission of, report	15
Historian, State, annual report	67
Hudson, New York State Training School for Girls, annual report	19
Hudson-Fulton Celebration Commission, annual report	65
Hudson river, report of Superintendent of Public Works relative to clearing the channel of ice gorge	47
Income tax amendment, letter of Senator Root on	42
Industry, Agricultural and Industrial School, annual report	51
Inferior Courts of Criminal Jurisdiction, final report of commission to inquire into	54
Institution for the Improved Instruction of Deaf-Mutes, annual report	52
Interstate Bridge Commission, annual report	40
Jewish Protectory and Aid Society, annual report	49
Juvenile Delinquents, Society for the Reformation of, annual report	61
Labor, Commissioner of, annual report	30
Land Office, Commissioners of, annual report in relation to escheated lands	41
Library, State, annual report	58
Members of the Assembly, list	1
Mohawk and Hudson River Humane Society, annual report	66
Municipal accounts, special report by Comptroller	69
Museum, State, annual report	45
Napanoch State Reformatory, annual report	48
New York Catholic Protectory, annual report	55
New York City charter, report of legislative committee	5
New York Institution for the Instruction of the Deaf and Dumb, annual report	13
New York Juvenile Asylum, annual report	36
New York State Institution for the Blind, annual report	32
New York State School for the Blind, Batavia, annual report	12
New York State Training School for Girls, Hudson, annual report	19
New York State Veterinary College, Cornell University, annual report	18
Newark, Custodial Asylum for Feeble-Minded Women, annual report of managers	11
Niagara State Reservation, annual report of commissioners	43
Northern New York Institution for Deaf-Mutes, annual report	64
Oneida Indians, memorial of a band of	70
Onondaga Salt Springs, Superintendent, annual report	16
Palisades Interstate Park, Commissioners of, annual report	50
Pardons granted by Governor, statement of	68
Pharmacy, State Board of, annual report	38
Probation Commission, annual report	62
Public Buildings, Superintendent of, annual report	59
Public Service Commission for the Second District, annual report	28
Public Works, Superintendent of, annual report	20
report relative to clearing the channel of Hudson river of ice gorge	47
Racing Commission, annual report	46
Reformatories, State, at Elmira and Napanoch, annual report	48
Reprieves granted by Governor, statement of	68
Rome State Custodial Asylum, annual report	10
Root, Senator, letter on income tax amendment	42

	Doc. No.
Secretary of State, report on statistics of crime	31
Society for the Reformation of Juvenile Delinquents, annual report	61
Society of the New York Hospital, annual report	53
Soldiers and Sailors' Home, Bath, annual report	7
Special Investigation, report of Legislative Committee on New York city charter	5
State boards, commissions and departments, *see specific names of.*	
Syracuse State Institution for Feeble-Minded Children, annual report	56
Tax Commissioners, State Board of, annual report	39
U. S. constitutional amendment, on income tax	42
Water Supply Commission, annual report	34
Weights and Measures, Superintendent of, report	9
Western House of Refuge for Women, Albion, annual report	37

3 0112 105557471